

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 7:13-CR-070-12
)	
Plaintiff,)	CRIMINAL
)	
vs.)	McAllen, Texas
)	
JORGE GARZA,)	Monday, August 5, 2013
)	(8:43 a.m. to 10:19 a.m.)
Defendant.)	(10:39 a.m. to 10:57 a.m.)
		(10:58 a.m. to 11:50 a.m.)
		(1:39 p.m. to 2:42 p.m.)

TESTIMONY OF GUADALUPE Trevino DURING JURY TRIAL - DAY 5

BEFORE THE HONORABLE RANDY CRANE,
UNITED STATES DISTRICT JUDGE

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1 McAllen, Texas; Monday, August 5, 2013; 8:43 a.m.

2 (Partial transcript; testimony of Guadalupe Trevino)

3 **THE CLERK:** All rise for the jury.

4 (The jury entered the courtroom at 8:43 a.m.)

5 **THE COURT:** Good morning. Please be seated.

6 All right. Members of the jury, when we broke early
7 on Friday, you'll recall the witness was still in the middle of
8 being examined by Ms. Gutierrez, Sheriff Trevino. And, so,
9 we'll just resume with Sheriff Trevino. We think there's a
10 couple of more witnesses; still hopeful we'll finish today, but
11 if -- and closing arguments tomorrow. That's our current time
12 frame. When we -- we'll reevaluate that around the noon hour
13 to give you a better idea.

14 All right. Sheriff Trevino, if you could step
15 forward and just resume your place here on the witness stand.

16 Good morning. All right. If you want to -- I don't
17 remember where you left off, but do you want to just pick back
18 up where you left off with Mr. Trevino?

19 **MS. GUTIERREZ:** Very well, your Honor.

20 **GUADALUPE Trevino, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN**

21 **DIRECT EXAMINATION (CONTINUED)**

22 **BY MS. GUTIERREZ:**

23 Q Good morning, Mr. Trevino.

24 A Good morning, Ms. Gutierrez.

25 Q Mr. Trevino, at the sheriff's office you have what is

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1 called the Policies and Procedure Manual; is that correct?

2 A Yes, ma'am.

3 Q And that Policies and Procedures Manual applies to you, as
4 well; is that correct?

5 A Well, that's a good question. I write them; and I execute
6 them, and I have -- I think in the very first page it says that
7 I have the right to apply those as I wish, I believe. I'm not
8 really exactly sure how that -- how that's worded.

9 Q Right; but my question is: Do they -- they do apply to
10 you, as well? Or are you telling the jury that they do not?

11 A I never -- I guess they do. I'd have to say yes. I'm not
12 really sure. I've never -- nobody's -- I don't think I've ever
13 been asked that question before.

14 Q But as far as your understanding, you write these policies
15 and procedures with the intent that your employees follow them,
16 correct?

17 A That's -- now, that's correct. Right.

18 Q And when you write them, is it your intent that you,
19 yourself, are subject to these policies and procedures?

20 **THE COURT:** Is that -- how is that relevant?

21 **MS. GUTIERREZ:** Oh --

22 **THE COURT:** Really, it's the employees that are at
23 issue here.

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1 **BY MS. GUTIERREZ:**2 Q You are the ultimate -- you have the last say on grievance
3 procedures; is that correct?

4 A No, ma'am.

5 Q Um --

6 A No, I don't. It is not me.

7 Q Well, under your policies it does state that decisions by
8 the sheriff are final. Is that correct?

9 A In -- in house, yes.

10 Q And what you mean by "in house" -- is that any decisions
11 within the Hidalgo County Sheriff's Office?

12 A Within the Sheriff's Office, yes, ma'am.

13 Q And, so, when you say that they are not final, what is it
14 that you mean?15 A Well, the employee may grieve to the Civil Service
16 Commission, and he may even take it to the district court, I
17 believe.18 Q And within the Hidalgo County Sheriff's Office, your
19 decisions are final, correct?

20 A Yes, ma'am.

21 Q You have a policy with respect to off-duty employment of
22 your employees; is that correct?

23 A Yes, ma'am.

24 Q And that includes any of your employees who is seeking
25 employment outside of the Hidalgo County Sheriff's Office; is

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1 that correct?

2 A Yes, ma'am.

3 Q And that procedure requires that they submit something --
4 well, I guess I'd ask for clarification; that they submit
5 something in writing, or that the business or the individual
6 seeking them to be employed for them is the one that submits
7 something in writing?

8 A I believe the policy states that the employee must ask for
9 permission -- because it's not a right; it's a privilege --
10 that the employee may ask for permission to work off duty and
11 that he provide certain information on the employer.

12 Q So, the employee is the person who submits the request for
13 permission, correct?

14 A In writing. Yes, ma'am.

15 Q Okay. And you are the person under your policies that
16 makes the decision as to whether they are granted that
17 permission, correct?

18 A Actually, it is -- I have a captain that's in charge of
19 making that decision, and that was recently changed, I would
20 say about maybe a month ago, where I decided whether that
21 employer was suitable.

22 Q So, you're telling the jury that you have not made
23 decisions, granted permission to employees to work outside of
24 the sheriff's office; is that correct?

25 A No, that's not -- that's not correct either, because there

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1 are times when -- when I've taken that initiative, and there's
2 times when the captain is assigned to that particular duty to
3 regulate our off-duty employment applications and -- and
4 reviewing who -- who's applying and who's not applying. And --

5 **THE COURT:** Well, let's talk about the time frame
6 2009; middle of 2009 through 12/12/12. Were you making those
7 decisions about letting your officers go moonlight --

8 **THE WITNESS:** No. No.

9 **THE COURT:** -- and other things?

10 **THE WITNESS:** That -- during that time period, I
11 believe the captain was in charge.

12 **THE COURT:** Which --

13 **THE WITNESS:** One of the captains.

14 **THE COURT:** Which --

15 **THE WITNESS:** Captain Jerry Lopez. Yeah.

16 **BY MS. GUTIERREZ:**

17 Q And, so, are you telling the jury that it was Captain
18 Jerry Lopez who allowed some of your deputies to perform
19 security at Fernando Guerra, Sr.'s birthday party?

20 A It could have been. That's kind of a tricky question,
21 your Honor, because the command staff has the -- the latitude
22 to make those type of decisions. I mean, that's why I have
23 command staff. And if a commander decided that he was going to
24 allow it, as long as he followed the procedure, I wouldn't have
25 a problem with that.

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1 Q And, so, then, if it happens that the person who your
2 officers are going to work for outside the sheriff's office
3 happens to be a drug dealer, that would be something that would
4 not get to you? Is that correct?

5 A Well, um -- it --

6 **THE COURT:** During this time period, again.

7 **THE WITNESS:** During that time period, it's possible,
8 yes, ma'am. Absolutely.

9 **BY MS. GUTIERREZ:**

10 Q So, then, you're telling the jury that it's possible that
11 without your knowledge some of your employees could have worked
12 for individuals that are in direct conflict with the priorities
13 of the sheriff's office. Is that correct?

14 A That's most certainly correct.

15 Q You have -- or you initiated an operation called "APE"?
16 Is that correct?

17 A Yes, ma'am.

18 Q And that operation was to target high crime areas; is that
19 correct?

20 A That's correct. Yes, ma'am.

21 Q And your office used deputies from civil warrants for that
22 operation; is that correct?

23 A Yes, ma'am. That's correct.

24 Q And, so, the deputies in civil warrants were then able to
25 conduct traffic stops, correct?

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1 A Any deputy -- as a matter of fact, that's one of the
2 things that I changed in 2005 when I came on board, was that
3 any -- any uniformed deputy in a patrol vehicle, regardless of
4 what -- where he was assigned, if he saw a violation, you know,
5 he was obligated to -- to initiate a stop and do something
6 about it.

7 Q So, any deputy, regardless of what department they work
8 in, is able to conduct traffic stops, correct?

9 A Absolutely. Right.

10 Q With respect to disciplinary actions, Sheriff, you make
11 the ultimate decision on those, don't you?

12 A Yes, ma'am.

13 Q And, so, any disciplinary action would go up the chain of
14 command and would end up with you. Yes?

15 A No. The way it occurs, once -- for example, internal
16 affairs conducts an investigation, and they hand the file over
17 to me; I'll read it, and either I'll approve the investigation
18 or disapprove it. If I approve it, then I send it back to the
19 command staff, to the chain of command of that deputy, and have
20 them read it and give me a recommendation for disciplinary
21 action, and then I take action based on that. Sometimes I
22 agree with them; sometimes I don't.

23 Q But it is your decision ultimately.

24 A I have the ultimate decision. Yes, ma'am.

25 Q And do all of the disciplinary actions or intent to do a

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1 disciplinary action on one of your employees end up with you,
2 or might it stop before it gets to you?

3 A I am the only one that is authorized to initiate an
4 internal affairs investigation in that department. Now, if --
5 a commander or a captain or any supervisor may initiate an
6 inquiry, bring it to me, and say, "We have this; what -- do you
7 think we should follow through with it," and then that's when I
8 initiate the investigation.

9 Q But not all disciplinary action results in an internal
10 affairs investigation, correct?

11 A That's correct. At one time I was having the command
12 staff conduct their own internal affairs investigations.

13 Q Was that during the period of 2009 through 2012?

14 A Yes, ma'am.

15 Q And, so, internal affairs is there for extreme cases?

16 A No, ma'am.

17 Q Is that accurate?

18 A No; sometimes we can get so overwhelmed -- because we also
19 do all public integrity, corruption cases, and special
20 investigations outside the regular criminal investigation
21 division -- and they can get so overwhelmed sometimes that, for
22 the sake of expediency, I allow the command staff to conduct
23 investigations. That has since stopped and all internal
24 affairs investigations are now conducted by the public
25 integrity unit.

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1 Q Did that stop beginning -- at the beginning of this year?

2 A Yes, ma'am. It has.

3 Q When the changes you mentioned on Friday were implemented;
4 is that correct?

5 A I believe so. Yeah.

6 Q Do you recall, Sheriff, an individual by the name of Eddie
7 Rodriguez who worked at Crimestoppers?

8 A Yeah; Deputy Eduardo Rodriguez? Yes, ma'am.

9 Q Yes. Okay. And it was your ultimate decision that caused
10 him to be moved from Crimestoppers into patrol, correct?

11 A I don't remember the incident. I don't remember why he
12 was transferred.

13 Q Well, isn't it true that he was transferred because he
14 failed or refused to sell some of your campaign ticket --
15 fundraising tickets?

16 A No. No, that's -- that would not be true, because, again,
17 we don't force anybody to do anything they don't want to do.
18 And I don't -- I do not remember why he was transferred. I
19 would -- we would have to look at the file, if there is a file.
20 I mean, I might have gotten a recommendation from the command
21 staff that maybe he wasn't performing adequately and we
22 transferred him out.

23 Q Right; but you don't know, as we sit here --

24 A I don't know. I do not remember. I'd have to review the
25 file.

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1 Q And you said "if there is a file." Is there a possibility
2 that there is no file?

3 A Right; there's a possibility there is no file, because
4 maybe there was not an investigation. Maybe it was -- it was a
5 command staff decision, which they do have the right to do, as
6 I delegate that. If they believe that a person is not meeting
7 their expectations, they can be transferred from one unit to
8 another or one division to another, and that's done quite
9 often.

10 Q Wouldn't there at least be something in writing to
11 document that?

12 A The only thing that would be in writing would be the
13 actual transfer, the notice that you are being transferred from
14 Unit A to Unit B, or wherever it might be.

15 Q And, so, if that individual then wanted to file a
16 grievance, at that point, is that when the documentation
17 begins, as far as what the reasons were?

18 A Well, there is no grievance. That -- as sheriff, I have
19 the authority to assign people to wherever I want to assign
20 them to. It's not their choice. It is my choice. And that I
21 delegate to the command staff, like in any organization, and
22 if -- and if they get transferred from A -- Unit A to Unit B,
23 for whatever reason, you know, that's not a grievable action.
24 He's not -- we're not taking disciplinary action against him.
25 It is a -- his pay is not being docked; he's not being demoted;

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1 he's just being transferred from one job to another.

2 Q But there are positions within the Hidalgo County
3 Sheriff's Office that, for whatever reason, might be more
4 appealing or less appealing, correct?

5 A I guess that depends onto the individual, Ms. Gutierrez.

6 Q Well, wouldn't you agree that being out on patrol is more
7 wearing on an individual than sitting in an office in an air --
8 in an air-conditioned office?

9 **MR. STURGIS:** Judge, I'm going to object at this time
10 to the relevance.

11 **THE COURT:** Sustained.

12 **BY MS. GUTIERREZ:**

13 Q So, Sheriff Trevino, you're telling the jury that it is
14 possible that Eddie Rodriguez may have been transferred to
15 patrol because he didn't sell campaign fundraising tickets,
16 correct?

17 A No. I said exactly the opposite.

18 Q Well, you said you didn't know. Is that correct?

19 A No. No. What I said was that it is virtually impossible
20 for something like that to happen without me knowing about it.
21 I'm sure Eddie Rodriguez would have come to my office and said,
22 "Sheriff, I'm being transferred because I don't sell tickets."
23 And that did not happen.

24 Q Do you recall a female deputy by the name of Linda Garcia?

25 A Yes, I do.

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1 Q And isn't it correct that you transferred her based on the
2 fact that she did not attend your kickoff campaign fundraiser?

3 A That is absolutely not true.

4 Q Sheriff, isn't it true that there -- that she recorded
5 your conversation and that recording is on You Tube under the
6 name -- the tape 0001?

7 A I have never heard that recording.

8 Q So, you're not aware of a recording where it is yourself
9 and Ms. Garcia discussing her transfer, you telling her that
10 she would be transferred?

11 A I don't -- I didn't know that she was recording me. I --
12 I had a conversation with her, and I did tell her she was being
13 transferred.

14 Q Isn't it true that you told her that you had lost
15 confidence in her because she failed to go to this kickoff
16 party?

17 A That's absolutely not true. I told her I lost confidence
18 in her, in her performance in her job, not because she failed
19 to do anything. That is absolutely not true.

20 Q Well, isn't it true, Sheriff, that you told her in that
21 same discussion that she had done a good job? She was
22 investigating the Sylvia Handy case, and you told her -- you --
23 she asked you, "Is it because I haven't done my job?" And you
24 said, "No; in fact, you've done a good job." Isn't that
25 correct?

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1 A I believe I did tell her she -- because she was a good
2 investigator, but she was -- she presented a hostile presence
3 in that office. And, basically, the guys just -- they didn't
4 want to work with her anymore.

5 Q And how is it that she presented a hostile presence?

6 A Her attitude; just the way she conducted herself in the
7 office, and the guys just did not want to work with her
8 anymore.

9 Q And isn't it true that you didn't tell her those details?
10 You didn't tell her that she had a hostile presence in the
11 office, that she had an attitude, or how she conducted herself
12 was the reason for the transfer.

13 A That's right. I did not.

14 Q And that's because your say is final and you have that
15 authority to move people at your discretion, correct?

16 A That's true.

17 Q Do you recall an individual by the name of Miguel Flores?

18 A Yes, I do.

19 Q And isn't it true that he -- there was an internal affairs
20 investigation conducted on him after he -- it was revealed that
21 he was the individual who had secretly recorded some of the
22 ongoings with the Panama Unit?

23 A Now, you're asking me if that was the reason for the
24 investigation? Is that -- I didn't understand your question.

25 Q Yes.

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1 A No, that was not the reason for the investigation.

2 Q Isn't it true that there was some falsification of
3 documents to make it appear as though Mr. Flores had stolen
4 some drugs from a source?

5 A That's the first time I hear about that.

6 Q Can you tell the jury why it was that Miguel Flores was
7 transferred, then?

8 A Miguel Flores was transferred because he took -- he was a
9 member of the narcotic unit, and he took action on some
10 individuals without notifying his supervisor. He was fairly
11 new in narcotics, and I decided he was not ready for it, and we
12 transferred him.

13 Q Isn't it true that Mr. Flores was working with the FBI
14 together with the Panama -- while at the same time associating
15 with the Panama Unit, and that caused some problems for the
16 sheriff's office?

17 A I have absolutely no idea if he was working with FBI or
18 not. You'd have to ask the FBI that.

19 Q So, you were never made aware; is this the first time
20 you're hearing of this?

21 A Oh, no; it's rumored all over the department, and he even
22 said it himself, but, I mean, nobody officially has ever told
23 me that he was an FBI informant.

24 Q Isn't it true that the Panama Unit members all signed
25 affidavits that were submitted to you stating that an

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1 individual, a source of information, had claimed that
2 Mr. Flores had stolen some drugs from him?

3 A There was only two members that submitted those
4 affidavits, and I don't believe the gist of the affidavit was
5 that Miguel Flores had stolen drugs from an individual; I
6 believe the affidavits alluded to Mr. Flores asking two other
7 members of the Panama Unit to meet a friend of his so that they
8 could conduct a home invasion.

9 Q Isn't it true that Gerardo -- well, Sheriff, answer this
10 for me. Gerardo Duran was working closely with the Panama
11 Unit, correct?

12 A He was not assigned to the Panama Unit, and he was never
13 directed to work with the Panama Unit. He did that on his own.

14 Q But he was working closely with the Panama Unit.

15 A Well, I don't know. He was -- again, I never assigned him
16 there. If he associated with them, that was on his own time,
17 not on company time.

18 Q Well, but I'm asking you, based on what you know, that
19 Duran did, in fact, associate with and work with the Panama
20 Unit, not that he was assigned. Is that correct?

21 A Well, what I've learned from testimony and the guilty
22 pleas, yes.

23 Q And you're telling the jury that you had no knowledge of
24 this.

25 A No. That he was working with the Panama Unit?

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1 Q Yes.

2 A No.

3 Q And the Panama Unit was reporting directly to you,
4 correct?

5 A No. That's not correct.

6 Q Who did the Panama Unit report to?

7 A The Panama Unit reported directly to a sergeant. That
8 sergeant was instructed, as by original agreement that I had
9 with the chief of police in Mission -- and at that time it was
10 Leo Longoria -- that I was going to give him one sergeant, and
11 I don't remember exactly how many deputies I was going to
12 assign to him, so that they could help clean up the street-
13 level drug dealing in the City of Mission; and they were to
14 report directly to them. And that is evident by -- if you
15 look -- if you at the statistics and you look at all of the
16 seizures, I think, like, I would say 95 percent of all the
17 seizures, even more than that, that the Panama Unit ever made
18 were processed through the Mission Police Department and
19 through the Mission Municipal Court and through the Mission
20 evidence procedures. I believe my sergeant, which was Sergeant
21 Roy Mendez, communicated a lot more with Chief Longoria than he
22 ever did with me. I did not know or have any knowledge
23 whatsoever of their daily operations. The only oversight that
24 we retained at the sheriff's office was the assignment of
25 personnel, approving time off, and that sort of thing. That

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1 was the oversight that we had. But, ultimately, that sergeant
2 and those deputies worked under me, so, I guess technically you
3 could say that, yes, you know, but -- even though I'd had no
4 idea what they did on a daily basis. It's pretty much the same
5 thing I do with the FBI, with DEA, with ICE, and with the
6 marshals. I assign deputies to them, and I expect those
7 federal agencies to supervise my deputies, as I expected
8 Mission to supervise my deputies. It was the same concept.

9 Q But if they ultimately reported to you, shouldn't you have
10 done some supervisory -- shouldn't you have been supervising
11 them to some extent?

12 A No. Again, the task force concept is very different than
13 from a regular policing concept. The agreement was that they
14 would be assigned to another agency under their supervision to
15 clean up -- help clean up their city.

16 Q But the sheriff's office was paying them, wasn't it?

17 A That's right. We were paying all of our deputies. Yes.
18 Of course.

19 Q Okay. So, the sheriff's office is paying these employees,
20 however, is not regulating or supervising their actions at all.
21 Is that what you're telling the jury?

22 A That's exactly what I'm telling the jury. The same thing
23 that we do with the federal agencies. We pay their salaries,
24 but they're under their direction.

25 Q Isn't it true that Gerardo Duran approached Miguel Flores

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1 about working with the Panama Unit and ripping off these drug
2 loads?

3 A That's the first time I hear that Duran approached Miguel
4 Flores. I have no knowledge of that.

5 Q During the -- is it possible that internal affairs has
6 that information?

7 A I seriously doubt that, because I reviewed that file, and
8 I don't remember ever reading in that file that Duran
9 approached Flores. He might have; I don't know. I think -- it
10 might be in the file. I don't -- I don't recall.

11 Q Isn't it true that the problem that arose with respect to
12 this source is that when Miguel Flores connected the Panama
13 Unit with his source it turns out that the Panama Unit had
14 already ripped off his source?

15 A I have no idea. I do know that -- that I made it a
16 priority to identify who those people were. And our unit was
17 successful in identifying them. Now, I don't recall their
18 names, and I don't know if the Panama Unit had anything to do
19 with them. And I -- that's a matter of record somewhere;
20 probably Mission P.D. may have a record of that if they ever
21 arrested them or had anything to do with them.

22 Q But you testified that internal affairs conducted an
23 investigation.

24 A That's right.

25 Q So, why is it that Mission Police Department would have a

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1 file?

2 A No, I'm talking -- no. I'm answering your second
3 question.

4 Q Okay.

5 A Your second question was: Is there -- is there a
6 record -- or you said -- alluded to that the Panama Unit had
7 ripped off those people. I have no idea of that. And I'm sure
8 internal affairs does not either. If any -- if there was any
9 connection or any prior action between the Panama Unit members
10 and those people, I would imagine it would be in a police
11 report somewhere, and it would have to be at the Mission Police
12 Department.13 Q Okay. But you testified that it was two Panama Unit
14 members who had signed affidavits.

15 A That's right.

16 Q So, there is some connection between the Flores issue and
17 the Panama Unit members, correct?18 A Well, yeah. That -- I don't think we've denied that.
19 Yes.20 Q Well, you said that you had no knowledge that the Panama
21 Unit was involved.22 A No. Ms. Gutierrez, you asked me if -- if the Panama Unit
23 had ripped off those sources. And I'm saying I have absolutely
24 no idea about that. Now, is there a connection between Flores
25 and the Panama Unit? Well, obviously, yes. There is a record

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1 of that. There's two affidavits that connect those two Panama
2 Unit members to Flores. Now, you were -- you asked me three
3 questions at once. The source's connection to the Panama Unit
4 is what I have no knowledge of.

5 Q Who were the two individuals from the Panama Unit who
6 filled out affidavits?

7 A It was former Deputy Sal Arguello and former Deputy Duran.
8 And Duran, again, was not a member of that unit.

9 Q Isn't it true that you forced Duran to fill out that
10 affidavit?

11 A Forced him?

12 Q Yes.

13 A Absolutely not. I -- I ordered him to fill out
14 affidavits, which then I called in the FBI and I gave them
15 those affidavits.

16 Q Correct. Aren't you aware, though, that Flores told
17 internal affairs that -- that Duran had made that claim?

18 A I don't recall that. I'd have to review the file.

19 Q But internal affairs works for you, and, therefore, it's
20 not their job to investigate any claims made against you,
21 correct?

22 A Okay. What claim was made against me? I lost that one.

23 Q Well, the fact that -- if, in fact, it's true that Duran
24 claimed that the sheriff forced him to sign that affidavit,
25 what I'm saying is internal affairs, because they work for you,

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1 they're not -- they don't have the job of investigating you,
2 correct?

3 A I don't know that Gutierrez -- I'm sorry; not Gutierrez --
4 I am not sure that Duran ever said that I -- that he was forced
5 to do something. That's the first -- this is the first time I
6 hear about this.

7 Q And I understand that, Sheriff.

8 A Yeah.

9 Q And I'm not asking you that. I'm saying if, in fact, he
10 did make that claim, internal affairs would not investigate
11 you, correct?

12 A Well, probably not. Yeah, you're -- you're right.

13 Q And Miguel Flores was not terminated, correct?

14 A No, he was not.

15 Q So, then, the conclusion or determination that came from
16 the internal affairs investigation, it turned out to be untrue;
17 is that correct?

18 A No, that's not true either. Miguel Flores had had -- I
19 saw Miguel Flores as a -- as an individual with a lot of drive,
20 with a lot of promise, but very inexperienced. And because of
21 that, I gave him a -- either a verbal or a written reprimand.
22 It was something extremely light. And I told him he wasn't
23 ready yet for that type of work, and he was going to go back to
24 the street. And the morning that I told him that, I told him I
25 thought he -- I said, you know, "Miguel, I think you're a fine

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1 young man, I think you've got a great future ahead of us --
2 ahead of you with us, and but you need a little bit more
3 experience." And he said, "I realize that, Sheriff, and I
4 promise you I'll never mess up again, and I'll -- I'll do my
5 time in patrol, and then we'll go forward from that." And that
6 was his words to me when we met in the hallway.

7 Q So, are you saying that the internal affairs investigation
8 on Flores turned out to be true and correct and, therefore, you
9 told him, "You're inexperienced and you should probably go back
10 to patrol"?

11 A That's right, and he was either -- I'm not sure if he got
12 a verbal or a written reprimand for failing to -- I believe it
13 was for failing to notify his supervisors of the action that he
14 had taken.

15 Q And, so, you're telling the jury that there was an
16 internal investigation -- an internal affairs investigation
17 conducted on Flores --

18 A Yes.

19 Q -- that turned out to be true, and the --

20 A Yes.

21 Q -- the focus, or the claim, of this investigation was that
22 he was trying to rip off some drugs from a source, and you
23 didn't terminate him?

24 A I did not terminate him because the facts of the
25 investigation showed that that could not be proven. I could

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1 not prove that he actually did that. We were actually able to
2 find the other individuals that Flores had introduced to
3 Mr. Arguello and to Mr. Duran, but the facts of the case did
4 not show that he was -- that he actually did that. So, I
5 didn't feel comfortable taking action against him more severe
6 than what I did. I just didn't feel comfortable with it. I
7 was -- I was trying to be as fair as I could with him. And we
8 just -- we just couldn't prove it.

9 Q Isn't that -- wasn't the allegation made against Flores a
10 very serious allegation?

11 A Absolutely. And that's -- and we took it very serious,
12 and this is why we conducted the investigation, but the results
13 of the investigation did not indicate that we had enough
14 evidence to terminate him that I could show at a civil service
15 hearing that I was right. I just -- it just wasn't there. If
16 it's not there, we're not going to fabricate it; if it's not
17 there, it's not there.

18 Q So, you chose to keep somebody in your office that
19 potentially could, in the future, steal drugs from drug
20 traffickers, correct?

21 A No, that's not correct, because the investigation did not
22 show that, Ms. Gutierrez. If the investigation had showed that
23 Mr. Flores was corrupt and that he actually did that, then
24 Mr. Flores would probably -- hopefully, he would have been in
25 jail, not only -- not only just fired. And, but the facts of

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1 the case, the results of that case, didn't prove that. We
2 couldn't prove that.

3 Q But it sounds to me like what you're talking about is that
4 you're asking that -- or you're saying that internal affairs
5 would have to do the job of a court in convicting him, proving
6 that he did it, before you took action such as terminating him.

7 A Ms. Gutierrez, quite obviously, you don't understand the
8 investigative process. We investigate to find facts that we
9 can take to a prosecutor that shows sufficiency of probable
10 cause to effect an arrest. And if the D.A. or the U.S.
11 Attorney's office believes it, that there is sufficiency of
12 probable cause, then we take it to trial. I mean, it's just --
13 it's -- that's what we do every day on all of our
14 investigations. We conduct murder investigations where we have
15 a prime suspect, and we know that he did it; we just don't have
16 the proof, and we have to let go. I mean, that's -- that goes
17 with any investigation.

18 Q Well, right, but what you stated is that your
19 investigation gets forwarded to the District Attorney's office
20 and they're the ones that decide whether they're going to
21 prosecute based on the evidence, correct?

22 A Absolutely. That's the way it works. That's right.

23 Q However, you just described to the jury that it was -- it
24 is internal affairs, with respect to Flores's case, that
25 because they couldn't make the determination that there was

1 proof --

2 A Right.

3 Q -- that you took no action.

4 A That --

5 Q Well, I apologize. You didn't terminate him.

6 A That's right. I did not terminate him because there
7 was -- the sufficiency of evidence was not there to prove it.

8 Q And, so, as we sit here today, you understand that your
9 office has a problem with the fact that there were more --
10 there were various individuals within your department who were
11 corrupt, correct?

12 A Absolutely. Yes.

13 Q However, you're telling the jury that in some cases you
14 allowed individuals who may be corrupt to remain within your
15 office because there were no -- there was no proof, correct?

16 A No, that's not correct. How would I know that a
17 individual is corrupt unless we conduct an investigation to
18 show that? The investigation against Miguel Flores did not
19 indicate in any way that -- or at least have the sufficiency of
20 evidence and probable cause to do something against him. Now,
21 we have conducted numerous other internal affairs and criminal
22 investigations within our own department where we have found
23 people to be in violation of the law that are eventually
24 arrested and prosecuted. But in the Miguel Flores case we
25 just -- it just wasn't there.

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1 Q How is it that the Miguel Flores case came to your
2 attention?

3 A That's a good question. Let me think.

4 Q Isn't it true that your son is the one that informed you?

5 A Yes. That's right. I forgot. Yes. Jonathan Trevino, my
6 son, assigned to the Panama Unit, employed by the Mission
7 Police Department, called me one night, and it was late at
8 night, to tell me what -- that -- that -- I'm not really sure;
9 I don't remember the facts, if -- I believe that either Duran
10 or Arguello had called him about a possible stash house that a
11 deputy had -- had pinpointed, and they wanted -- and the deputy
12 had told them that he had done this in the past before and that
13 he wanted those two deputies to rip off the house. And
14 Jonathan called to alert me to that.

15 And I -- I mean, I got very upset; not that he called
16 me, but that he didn't go through his chain of command and
17 notify them so that we could -- could have set up a sting
18 operation to either catch Miguel Flores or to catch the real
19 crooks or to even catch the two -- two deputies that -- that
20 were involved in this. And the procedures just were not
21 followed, and that's what really upset me about this whole
22 thing, where -- it was so serious, the argument was so serious
23 between Jonathan and I, that Jonathan stayed away from the
24 house for a few days and he missed Thanksgiving dinner with the
25 family because he was really upset. And it -- it also upset me

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1 that it went down that way. But, you know --

2 **THE COURT:** What year are we talking about?

3 **THE WITNESS:** Sir?

4 **THE COURT:** What's the time frame here?

5 **THE WITNESS:** November of '12.

6 **THE COURT:** Twelve. Okay.

7 **BY MS. GUTIERREZ:**

8 Q You mentioned two deputies that were involved. What two
9 deputies are you talking about?

10 A The same thing -- the same two that you asked me to
11 identify a second ago: Arguello and Duran.

12 Q And, so, it's clear that Jonathan didn't follow the chain
13 of command; he didn't follow procedures, correct?

14 A That's correct.

15 Q However, there was no action taken against him, correct?

16 A I had no authority over Jonathan. Jonathan worked for the
17 Mission Police Department.

18 Q However, he sought your counsel with respect to what to do
19 with this issue, correct?

20 A No. That -- no. See, that's the difference. That was
21 the argument that I had with him. That was -- that was the
22 very serious disagreement that I had with him. He called to
23 tell me that he had already taken that sort of action. He did
24 not --

25 Q What action?

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1 A Notifying Duran and Arguello to go meet with Miguel,
2 surveil the place, take notes, do what you ordinarily would do
3 in that investigation, and then come back and report, when,
4 actually, that's the wrong way of doing it. The first thing he
5 should have done was call his supervisor and say: This is what
6 we have. And then we would have notified, maybe got additional
7 help from -- from the FBI, because we don't have the
8 specialized equipment for the recorded surveillance, and we
9 would have set up a sting operation, which after the fact I
10 find out that happens, and that's when I turn it over to the
11 FBI for them to follow up on.

12 Q But he contacted you, Sheriff, instead of -- his father
13 instead of the sergeant.

14 A That's right. And that was his biggest mistake.

15 Q And that was his practice; isn't that correct?

16 A No, that's not correct. I -- I hardly ever spoke to
17 Jonathan. I would call him because I was worried that he was
18 on the street, like any father would worry. I mean, I did
19 that -- I did that type of work for a lot of years when I
20 worked in Austin, and there is a lot of danger assigned to it,
21 and -- and I worried. Naturally, I worried about him. So, I
22 used to call him and ask him, "How are you all doing? Are you
23 doing okay? Are there any problems?" Says, "No, we're okay."
24 And he said, "We're working on this big thing," or he'd call
25 and say, "Hey, we just busted this big thing." But I'd never

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1 ask for details. He was more bragging and gloating than
2 anything else to me. It's not that he was reporting to me.

3 Q That would -- that didn't raise your suspicion as to what,
4 in fact, is going on with the Panama Unit?

5 A Well, yeah, absolutely. And the first thing I did was I
6 called -- I called Fabian and asked him, "What is going on
7 here? What's the deal with these two guys and Jonathan and
8 Miguel Flores? Why is he -- why is he all so upset?" That was
9 after he hadn't shown up for two or three days at the house and
10 missed the family Thanksgiving dinner. And he said, "Well,
11 he's very upset at you" -- Jonathan being upset at me --
12 because I didn't -- because I had questioned him as to why he
13 didn't follow the chain of command.

14 Q And at that point you didn't feel that it might be a good
15 idea to get him off of that Panama Unit?

16 A That was not --

17 Q You --

18 A That was not my decision, Ms. Gutierrez. That decision
19 belonged to the chief of police in Mission. I already
20 testified to that. He worked for the Mission Police
21 Department.

22 Q Well, right; but you're not telling the jury that you
23 couldn't have called the Mission police chief and suggested:
24 There might be a problem here; there are individuals that are
25 going outside the chain of command; they are taking actions --

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1 they are taking their actions into their own hands without
2 informing their supervisor; and there might be a disaster
3 because of it, so we need to do -- we need to act.

4 A I did that, but through the sergeant -- I talked to
5 Sergeant Mendez. I said, "You know, we've got a very serious
6 problem here. You've got your people going out of the chain of
7 command doing this type of stuff; you know, you tell me what's
8 going on." And he had no answer. And it was quite obvious --
9 I mean, again, Monday morning quarterback, like we did the
10 other day I was here -- it was pretty obvious that the Panama
11 Unit was working outside the rules and outside the supervisor's
12 knowledge. They lied to the supervisor as much as they lied to
13 me.

14 Q And isn't it true that you had the power at that time to
15 dismantle that with the cooperation of the Mission chief?

16 A Absolutely.

17 Q But you didn't do that, correct?

18 A No, I did not.

19 Q And that was because it was your son's -- the Panama Unit
20 was created for your son; isn't that true?

21 A No, that is not true. Panama Unit was created to help
22 clean up the city, the streets of Mission. As a matter of
23 fact, I had spoken to other police chiefs, and I told them that
24 -- that was going to be, like, a pilot type program to see if
25 actually we could do something like that; because back in the

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1 '80's or early '90's there used to be a local task force made
2 up of local agencies that took care of street-level drug
3 dealing. And I believe that was disbanded in '05, so there was
4 nobody helping the smaller cities clean up the streets on
5 street-level drug dealing. And I thought that was my
6 responsibility, and that was a pilot program.

7 Q So, then, does the fault of what occurred with the Panama
8 Unit lie on you?

9 A Absolutely. And I've admitted that a hundred times. I
10 mean, you know, in crisis management, which is exactly what
11 this is, the buck stops with me. I am the man in charge. And
12 I have taken full responsibility for it. Even though I had no
13 knowledge of what was going on, as the supervisor, you have to
14 say, yes, it's me. And the thing you do is you look at it, you
15 analyze it, you take corrective action, and you assure the
16 people that this will never happen again.

17 Q Sheriff, let's talk about -- let's talk a little bit about
18 your son, because his TCLEOSE report -- which is the Texas
19 Commission on Law Enforcement Officers Standard Education
20 report -- they maintain the officers' information as far as
21 when they were licensed, what educational courses they've
22 taken, what awards they've received, correct?

23 A That's correct.

24 Q Okay. And that information they received from either the
25 sheriff's office, if they're employed there, or whatever agency

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1 they're employed with, correct?

2 A You're correct.

3 Q And, so, his report indicates that he was working as a
4 peace officer for both the Hidalgo County Sheriff's Office and
5 the Mission Police Department. Isn't that correct?

6 A That's correct. And the reason for that is I have
7 commissioned police officers in almost all of the local police
8 agencies as deputies -- McAllen, San Juan, Weslaco; almost all
9 of the police department -- Edinburg -- almost all police
10 departments have deputies -- I mean, I'm sorry -- have officers
11 that have a double commission; not only the city, but the
12 county. And the reason that I do that is, if they have to
13 conduct investigations out in the county somewhere, you know,
14 they've got that jurisdiction. This is a way for me to help
15 the cities in their investigations.

16 Q Okay. So, then, the report is accurate when it says that
17 Jonathan Trevino was a peace officer for both the sheriff's
18 office and the Mission Police Department, correct?

19 A Technically, no. He was a full-time police officer for
20 the City of Mission. He was a reserve deputy with Hidalgo
21 County Sheriff's Office.

22 Q Okay. Well, wouldn't you agree that this -- well, would
23 you agree that the report for your son states that he was a
24 reserve officer for the Hidalgo County Sheriff's Office,
25 service start date February 13th of 2006 with service end date

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1 of February 13th, 2006? We're talking about the same day, one
2 day.

3 Q Repeat those dates again?

4 A Service start date February 13th of 2006, service end date
5 February 13th of 2006.

6 A That he was only a reserve officer for one day?

7 Q Yes. It --

8 A No, that -- that's -- that's an error.

9 Q Well --

10 A He wouldn't -- the state has made an error in their
11 paperwork, and that's -- and that's not surprisingly, because
12 my TCLEOSE paperwork shows that I was a police officer in
13 Arlington, and I never have been. I mean, they're known to
14 make a lot of mistakes on their paperwork. Jonathan's
15 commission was taken away from him on December the 12th of '12.

16 Q Well, it states that it was -- with the Hidalgo County
17 Sheriff's Office as a peace officer he started December 2nd of
18 2008. Is that date correct?

19 A I have no idea. I would have to look at the records. I
20 do know -- I do know the date that it was revoked, you know,
21 that I took it away from him. That day I do know. That was
22 December 12th of '12. When he was commissioned, I'd -- I would
23 have to look at the -- at our personnel records.

24 Q Okay. And how long was your son working with Hidalgo
25 County Sheriff's Office?

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1 A Well, if I knew that, I could tell you -- I could give you
2 the date that he was commissioned. So, I -- I don't know how
3 long that he -- that he was -- he didn't work for us. That's
4 not the wrong -- the correct way of saying it. He did not work
5 for us; just like the other police officers I have commissioned
6 don't work for us. They just have the county authority to
7 enforce the law, conduct investigations out in the county, and
8 they don't get paid for this.

9 Q But you -- you testified that they were paid by your
10 office.

11 A Which --

12 Q Wasn't Jonathan Trevino paid through -- by the Hidalgo
13 County Sheriff's Office?

14 A Absolutely not. That would be nepotism. No. He was not.

15 Q Okay. And what about --

16 **THE COURT:** We're getting a little far afield. Let's
17 try to rein it in to something related to either his
18 credibility or the credibility of the Government's witnesses,
19 which is what's been most of the testimony these last -- this
20 last day.

21 **BY MS. GUTIERREZ:**

22 Q When the Panama Unit was created, Jonathan Trevino was one
23 of the first or original members of the Panama Unit; is that
24 correct?

25 A That's correct.

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1 Q Along with some of the other individuals from Hidalgo
2 County Sheriff's Office, correct?

3 A That's correct.

4 Q And that was a decision that you made as far as the
5 deputies from Hidalgo County Sheriff's Office to be assigned to
6 the Panama Unit, correct?

7 A Right. I have the ultimate decision as to who is assigned
8 to all the different task forces. Yes, ma'am.

9 Q How did you make that decision?

10 A How did I make that decision?

11 Q Yes.

12 A Based on -- on what I thought was their capabilities,
13 based on their eagerness to do that type of work. There is no
14 test; there is no real formal interview. Like the people that
15 I send over to the federal agencies, I send them there because
16 I think they're best suited for that job, as I -- as I thought
17 that those people were best suited for the Mission Police
18 Department.

19 Q And what was the total amount of members of the Panama
20 Unit?

21 A How many -- how many members?

22 Q Yes.

23 A I'm not really sure, Ms. Gutierrez. I can name and we can
24 count. I sent one sergeant; I know Arguello was there; Eric
25 was there; that's two. Fabian; at one time Linda Chavez.

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1 Maybe -- maybe four; four to five; to include the sergeant.

2 Q And Jonathan, correct?

3 A Well, Jonathan, again, was assigned to the Panama Unit by
4 the Mission Police Department.

5 Q So, you were just giving me the names of those deputies;
6 is that right?

7 A The ones that I am responsible for, yes, ma'am.

8 Q So, we've got Arguello?

9 A Arguello, Alcantar --

10 Q That's Eric Alcantar?

11 A Eric -- I'm sorry; yes, ma'am -- Eric Alcantar. Claudio
12 Mata and Fabian Rodriguez and Sergeant Mendez.

13 Q And their territory was all of Hidalgo County; is that
14 correct?

15 A Technically, yes; but their instructions were -- and to
16 the sergeant -- that they were to stay only on the west side of
17 the county, but they were to focus on Mission.

18 Q And these individuals, these deputies that you assigned to
19 the Panama Unit, they were all friends of Jonathan, correct?

20 A I believe they were all acquaintances, yes, ma'am.

21 Q Are you aware that there was testimony that Sergeant
22 Mendez was -- really reported to Jonathan, in actuality?

23 A I heard that, but have you ever met Sergeant Mendez and
24 spoke to him? I don't think you would believe that either.

25 Q Well, there was also testimony that your son, Jonathan,

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1 was a monster. Are you aware of that?

2 A I heard that -- I heard about that testimony.

3 Q And, so, isn't it possible that Roy Mendez would defer to
4 Jonathan's decisions based on the fact that maybe he had a
5 strong personality, but also that he was your son?

6 A I do not believe so, because I can tell you this with one
7 hundred percent accuracy. I brought Sergeant Mendez in. And I
8 told him: You, and only you, are responsible for this unit.

9 Nobody runs this unit but you. Those are your decisions,
10 operations are your responsibility, and the conduct of those
11 people are your responsibility. And I brought him in and told
12 him that several times, like I have all other supervisors in
13 there, in other units. But I specifically remember having that
14 conversation with Sergeant Mendez more than one time.

15 Q Sheriff, isn't it true that you, along with all other
16 individuals within the Hidalgo County Sheriff's Office, were
17 hearing rumors well in advance of the time that the Panama Unit
18 got arrested about their illegal activities?

19 A No, ma'am. That is not true.

20 Q So, you're telling the jury that you had no -- hadn't even
21 heard about the Panama Unit ripping off drugs until the time
22 they were arrested on December 12 -- 12 of 2012?

23 A That's correct, Ms. Gutierrez. I had absolutely -- it was
24 December 12 of '12.

25 Q Yes.

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1 A I had absolutely no knowledge whatsoever. Nobody ever
2 gave me any information that they were doing illegal
3 activities. None whatsoever. I think -- I think you have
4 to --

5 **THE COURT:** You've answered the question.

6 **THE WITNESS:** Thank you, your Honor.

7 **THE COURT:** Go ahead. Next question.

8 **BY MS. GUTIERREZ:**

9 Q Sheriff, do you recall an incident that occurred around
10 mid 2012 where some individuals who -- residents of a home on
11 La Homa Road in Mission, Texas, made a complaint to the
12 sheriff's office about the fact that the Panama Unit, including
13 your son, Jonathan, had gone into their home without consent?

14 A Without what?

15 Q Without consent.

16 A Without consent. I don't remember that specific incident.
17 No, ma'am.

18 Q You don't?

19 A I just said I don't remember that specific incident.

20 Q Okay. Do you recall hearing anything about that report
21 that was made to your -- to the sheriff's office?

22 A No, I don't.

23 Q Nothing at all.

24 A No.

25 Q Okay. So, nobody informed you that there had been a

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1 complaint that the Panama Unit had conducted this illegal
2 activity.

3 A No. I -- I didn't -- no. I have never -- I have never
4 been told by anybody prior to 12/12 of '12 that the Panama Unit
5 was involved in any illegal activities. I had absolutely no
6 knowledge of -- of their activities whatsoever.

7 Q Jonathan lived with you, correct?

8 A That's correct.

9 Q And it was all -- during the year of 2009 all the way up
10 until his arrest, Jonathan resided with you, correct?

11 A I believe he moved back home in nine. If I had to guess,
12 I would say you're right.

13 Q Okay. Aren't you aware of an incident that occurred on
14 July 26th of 2012 where the Panama Unit went to a house on El
15 Dora Road in Pharr, Texas, where some items were stolen from
16 the house?

17 A Is this the Perez case?

18 Q Yes, it is.

19 A Yes. I am aware of the incident, but the allegation that
20 was made to -- to us -- well, actually, we never did receive an
21 allegation. The information that we received was that there
22 was a seizure done and there were some jewelry that was
23 missing.

24 Q And were you made aware of the fact that the seizure of
25 drugs was not -- did not come -- the drugs did not come from

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1 the Perez's home?

2 A Now, I believe there's -- and I don't recall the -- that
3 was -- that case was filed through the Mission court, again, so
4 I don't recall the particulars of that -- of the drug seizure,
5 but I believe there was -- there was two seizures made. I
6 believe there was one seizure made at the house where the
7 Perez's lived, and I believe there was a second seizure that
8 was made that Mr. Perez, as an informant, set up for the Panama
9 Unit. That's the way I understand it. And I may be wrong on
10 this. I did not investigate that part, no.

11 Q It was actually the Pharr Police Department; isn't that
12 correct?

13 A I believe Pharr would be -- yes. Yes, you're right.

14 Q And this information did reach you, correct?

15 A Yes. Of course.

16 Q But you're saying you didn't investigate it, correct?

17 A No, that's not correct either.

18 Q Well, you --

19 A I did not investigate the actual drug seizures. What I
20 did investigate, through internal affairs, was the missing
21 jewelry part. That's the part that we did investigate.

22 Q Isn't it true that you were informed of the fact that the
23 Perez's were claiming that they were essentially kidnapped from
24 their home and taken to a parking lot at Matt's Cash and Carry?

25 A I heard that way after the fact, not during any -- any

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1 investigation or anything like that. It was way after the fact
2 when I heard about that.

3 Q And wouldn't that cause you to investigate that
4 allegation?

5 A That was being investigated by Pharr Police Department.

6 Q And I understand that, Sheriff.

7 A Okay.

8 Q But if you say that the Panama Unit ultimately reported to
9 you --

10 A Right.

11 Q -- couldn't you have investigated that and not just left
12 it to the Pharr Police Department?

13 A Well, the allegations were made against the members, and
14 they were reported to the Pharr Police Department. You're
15 right. I could have, but I left it to the Pharr Police
16 Department to investigate. I conducted a different
17 investigation.

18 Q When you say that the allegations were made against the
19 members, you're talking about the members of the Panama Unit,
20 correct?

21 A That's correct.

22 Q And you say that the allegations of illegal activity you
23 left to the Pharr Police Department; however, you chose to
24 investigate the missing jewelry, correct?

25 A Exactly. The missing jewelry was an administrative

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1 matter, as it turned out. It was not a criminal matter, after
2 checking with the D.A.'s office on it. So, I left it up to the
3 Pharr Police Department to conduct their own investigation.

4 Q So, you spoke with Rene Guerra with respect to --

5 A Yes.

6 Q -- this issue?

7 A Yes, I did. And our investigators, internal affairs,
8 spoke also with Assistant D.A. Murray Moore and got her opinion
9 on -- on the facts of that investigation, and she agreed that
10 there -- there was just no way we could file criminal charges
11 on that jewelry.

12 Q And, so, you determined, or your internal affairs
13 department determined, that Claudio Mata had not stolen the
14 jewelry? Is that what you're saying? Is that what you're
15 telling the jury?

16 A No. What I'm telling the jury is that we gathered all the
17 facts and we took them before the D.A.'s -- actually, first we
18 took them before our criminal investigation division, and they
19 looked at it. Then we took it to the D.A.'s office and they
20 looked at it, and they agreed -- it was not my decision. They
21 agreed that that was not a prosecutable theft. And the
22 reason -- if I can -- I don't know if you want that explained
23 or not, but --

24 Q That's okay. No. Thank you. But you did have the power
25 to charge him if you wanted to, correct?

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1 A Not if there was not sufficient probable cause and the
2 D.A.'s telling you that you can't charge him.

3 Q I'm not ask -- you don't -- you don't -- Sheriff, are you
4 telling the jury that on every single case, before you make
5 that decision, you speak with the D.A.?

6 A Significant cases.

7 Q So, the answer is, no, that you don't on every case go to
8 the D.A.

9 A That's right. Only -- only on what we believe are
10 significant cases.

11 Q And the -- what was the value of the jewelry?

12 A I have no idea. I -- we'd have to look at the report. I
13 don't remember.

14 Q It was jewelry and cologne, right?

15 A I don't --

16 Q I think that that was --

17 A I do not remember the items. I'd have to look at the
18 report.

19 Q But you do remember it was a theft.

20 A No. It was never determined to be a theft. That's why it
21 was not prosecuted.

22 Q And I understand that, but it initially started as an
23 allegation of theft, correct?

24 A That's right.

25 Q And, so, when it came to you, that is what you were

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1 investigating, whether it was a theft or not, correct?

2 A That's correct.

3 Q Now, you were also provided information about the fact
4 that the Perez's were claiming that the Panama Unit had
5 violated their constitutional rights, correct?

6 A No.

7 Q Well, isn't it true that you were informed that the Panama
8 Unit had gone into their house, turned it upside down, and
9 taken them to the parking lot at Matt's Cash and Carry?

10 A That was one version that I heard.

11 Q And that is something that the Pharr Police Department was
12 investigating, correct?

13 A That's correct.

14 Q And you were made aware that there was surveillance video
15 from the Perez's home, correct?

16 A That's correct.

17 Q And you didn't bother looking at it, correct?

18 A I believe internal affairs looked at it, yes.

19 Q Okay. So, but the fact is that this unit had your son in
20 it, and, so, even -- even that didn't cause you to look at that
21 video surveillance?

22 A I had my internal affairs unit and criminal investigation
23 unit review it. Precisely because my son was involved, I did
24 not want to make any decisions on there until we had all of the
25 facts. And, again, I took it one step further. Because it was

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1 a significant thing, I took it to the D.A. and to the Assistant
2 D.A. for them to review it and for them to make that decision.

3 Q I understand that, Sheriff, but I'm now talking not so
4 much about the theft as I am about them going into this home,
5 taking this elderly couple, both husband and wife, out of their
6 home and driving them to -- in their vehicles -- to Matt's Cash
7 and Carry. I'm talking about that aspect of it.

8 A You know, I -- I think that's an allegation that's been
9 made, and I think that's going to be an allegation that's going
10 to be disproved, of what I hear now. But -- but you're talking
11 about it like if it's fact. And I don't know that that is a
12 fact.

13 Q Well, it sounds to me like you don't know what happened --

14 A That's right.

15 Q -- because you didn't investigate it, correct?

16 A That's right. You're exactly correct. I left it up to
17 the Pharr Police Department to investigate any criminal matters
18 associated with that particular case.

19 Q And what was the outcome of that, Pharr's investigation?

20 A I believe they turned it over to the FBI.

21 Q And isn't it true that you were also made aware of the
22 Perez's allegation that they were forced -- that Mr. Perez was
23 forced to contact somebody who had some drugs that they had to
24 provide to the Panama Unit?

25 A I think that's another allegation that's being made.

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1 That's part of a lawsuit that -- that I think will be
2 disproved.

3 Q Isn't it true that the Panama Unit has already pled guilty
4 to having committed that action?

5 A You know, I don't know. I know that they -- I know my son
6 has accepted responsibility for what he has done. And I know
7 that the other members of the Panama Unit have accepted
8 responsibility and pled guilty. Exactly to what charges and
9 what were the specifics, I do not know.

10 Q Are you telling the jury that you have not looked at the
11 indictment in this case?

12 A As a matter of fact, Ms. Gutierrez, I have not.

13 Q So, are you telling the jury that you have not
14 communicated with Jonathan about how his case is going?

15 A I didn't say that. What I said was I have not read the
16 indictment.

17 Q And you haven't communicated with Jonathan about what he
18 is being charged with?

19 THE COURT: Irrelevant. He's not a witness. Let's
20 move on.

21 BY MS. GUTIERREZ:

22 Q Sheriff, do you recall an incident that occurred December
23 12th of 2012 where the Panama Unit seized some cocaine that had
24 GPS trackers?

25 A Yes.

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1 Q And on that incident, it occurred at night, correct?

2 A No. No, you're wrong.

3 Q What time of day did it occur?

4 THE COURT: Well, remind -- what month and year are
5 we now?

6 MS. GUTIERREZ: December 12 of 2012.

7 THE COURT: Oh. Right. Okay.

8 BY MS. GUTIERREZ:

9 Q What time of day did that occur?

10 A I would have to say it was between -- I don't remember the
11 exact time. I would say between 11:00 and maybe 12:30.

12 Maybe --

13 Q Was that 11:00 a.m.?

14 A Ma'am?

15 Q Eleven a.m.?

16 A A.m. Yes, ma'am.

17 Q And you know about this incident because you showed up to
18 the scene, correct?

19 A That's correct.

20 Q And you showed up to the scene after Jonathan contacted
21 you, correct?

22 A That's correct.

23 Q And isn't it true that while you were on -- you were on
24 the scene only about 10 minutes, and then you take off,
25 correct?

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1 A No, I think I was there a little bit longer than that,
2 because I had some real concerns about the seizure, and I
3 immediately called the FBI and I called DEA, and there -- there
4 is a reason for that. And I don't know if we want to get into
5 it now, but --

6 **THE COURT:** Well, I don't -- I guess I'm -- what I'm
7 having a hard time following is, earlier you said you had a
8 conversation with your son when -- and were upset with him when
9 he didn't follow the chain of command; he called you about an
10 incident, and you said, "Look, you need to call your
11 supervisor," or whatever. But now you're telling me he calls
12 you --

13 **THE WITNESS:** Yes.

14 **THE COURT:** -- and you then, instead of telling him,
15 "Hey, call your supervisor if you have some issue," you go to
16 the scene.

17 **THE WITNESS:** Yes.

18 **THE COURT:** Why?

19 **THE WITNESS:** There is an explanation for that, if
20 you'll allow me.

21 **THE COURT:** What's the -- what's the right -- why
22 are -- why are --

23 **THE WITNESS:** Yes.

24 **THE COURT:** -- has the policy changed?

25 **THE WITNESS:** What happened was on 12/11 of '12, or

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1 either very late at night or on the early morning hours of
2 12/12 of '12, there was either a homicide or a multiple
3 critical shooting in the area of Goolie Road and Minnesota.
4 The media asked me if I could give an interview and give them
5 the details on that case since I did not make the initial crime
6 scene. And I said that I would meet them in the area of Goolie
7 Road and Minnesota; somewhere in that colonia where the actual
8 murder or homicide or shooting took place. I met the media
9 there. Two of them showed up. One was running late. I gave
10 the interviews; we sat there, we talked about the case; we
11 spent more time there than I should have waiting for the other
12 station to show up. The other station never showed up, so I
13 left, and then I ran into them at the intersection of Minnesota
14 and Valverde. And I think it was Channel 40 that -- that was
15 running late, I think. I met them at that intersection, and I
16 gave the interview, we spoke; then I -- and I always have my
17 police radio on. I'm always scanning the channels to see
18 what's going on. And I hear the Panama Unit asking for
19 assistance, because they use their moniker, "Panama Unit,"
20 whatever, asking for assistance from the sheriff's office. And
21 it caught my ear. I then called the radio, the dispatcher,
22 said, "What's going on?" And they said, "We've got some sort
23 of incident somewhere in the area of Border Road and Frontage."
24 That's in Weslaco, Donna area. And I said, "Okay. What are
25 they asking for?" And they said, "They're asking for the

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1 Panama Unit supervisor, and they're asking for marked,
2 uniformed units." And I said, "Okay." And I guess Jonathan
3 might have heard me on the radio. He calls me on the cell
4 phone, and I'm asking -- and I asked him, "What's going on?"
5 He said, "I need a supervisor, and I need some units over here.
6 We have a unique situation." I said, "Okay."

7 I happened to be, like, maybe two miles away from
8 there. I made a U-turn, turned back around, went over there,
9 and that's when I found that there was a traffic stop, and
10 during that traffic stop they came across some transmitters, or
11 GPS transmitters, within the packages of the drugs, and I also
12 saw there was a lady there that was going hysterical, and she
13 was crying and screaming and all, and I took her off to the
14 side, and I said, "What is wrong with you?" She says, "Those
15 packages belong to the Sinaloa Cartel, and they're following
16 me, and we're all going to get killed." I mean, I didn't know
17 if it was true or not. I had absolutely no idea what was going
18 on. But in the interest of safety, I was able to get a couple
19 of marked units there, maybe three of them; other members of
20 the Panama Unit showed up; and the supervisor showed up. And
21 it wasn't Roy Mendez anymore. I already changed supervisors.
22 It was Sergeant Rudy Salinas. I instructed them what the lady
23 had told me, and I said, "In the interest of safety -- and I
24 don't know what the Sinaloa Cartel is or what they're going to
25 or what they're not going to do -- I want you to pack

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1 everything up and take it the office and we'll sort it out at
2 the office."

3 And as soon as I got to the office, I called the FBI,
4 and I called DEA, and I told them -- and I told them this: I
5 said, "We have one of two things here. Either the Sinaloa
6 Cartel is really tracking these things and we've got a problem,
7 a safety problem, or these are your GPS units and you need to
8 come and collect them and do what you have to do." Shortly
9 thereafter the head of the McAllen office of the FBI, the head
10 of the DEA office here in McAllen, and the head of the FBI
11 corruption unit showed up to my office, like maybe an hour
12 later, after several telephone calls, and they explained the
13 entire thing to me, the sting operation, and that's when I
14 said, "Okay. Do what you have to do." And they took the
15 woman, they took the drugs, and they took the transmitters.
16 That's how I became involved in that particular -- in that
17 particular case.

18 **BY MS. GUTIERREZ:**

19 Q Isn't that -- the sting operation was on the Panama Unit;
20 isn't that true?

21 A Well, what I hear now, yes, that's exactly what it was.

22 Q So, this is the incident that revealed everything and
23 caused their arrest, correct?

24 A That was -- right. You're right.

25 Q So, the FBI, when they took the woman, they took the

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1 drugs, they took the GPS trackers, they also took the Panama
2 Unit, correct?

3 A No. They did not.

4 Q At some point they took them.

5 A Not that afternoon they didn't.

6 Q Well --

7 A They were not arrested immediately. The FBI allowed --
8 well, the FBI took -- now, they -- I'm sorry. They instructed
9 some of those Panama Units to meet them at the office, at the
10 FBI office. Jonathan was still with the sergeant interviewing
11 this lady that was going hysterical on us there at the office.
12 The head of the FBI here in McAllen -- I told him, you know,
13 "Hector, you do what you have to do." And he says, "Well, let
14 me make a phone call." And in my presence -- and he put it on
15 speakerphone -- he called his boss in San Antonio, Armando
16 Fernandez -- this is the FBI SEC -- and he said, "This is the
17 situation. Is it okay with you if we leave Jonathan here with
18 his father and to contact his attorney, and he'll show up in
19 our office next -- whenever we need to talk to him." And on
20 speakerphone, Mr. Fernandez said, "Yes, that's fine. Just go
21 ahead and do it." And that's the way it turned out, and the
22 rest is history.

23 Q Isn't it true that you questioned that individual about
24 what federal agency she was working for?

25 A Yes, I did, because, see, at that point I needed to make a

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1 decision: Do we need to get out of here because the Sinaloa
2 Cartel is going to try and rip the drugs back? Or is it okay,
3 and can we take our time because there's a federal agency
4 involved? I needed to make that decision quick. And she stuck
5 to, "Yes, we -- this is a Sinaloa thing." That's when I said,
6 "Well, we're going to get out of here." But I think, from my
7 experience -- because I've been doing -- I've been doing this
8 for over 40 years. And I think it was pretty obvious to me
9 what the deal was. It wasn't to them, because they're very
10 young, very stupid, inexperienced. But to me it was obvious
11 what was going on. That's why I called the FBI and DEA
12 immediately.

13 Q So, it was obvious to you that the Panama Unit was going
14 to steal those drugs?

15 A No, ma'am.

16 Q What was obvious?

17 A That's not what I said. What was obvious was that those
18 transmitters belonged to the federal government. I mean, that
19 was just my gut feeling. That's when I made that phone call --
20 made those phone calls immediately, and said, "Look, I don't
21 think this is the Sinaloa Cartel, but for safety's sake I need
22 to get my people out of here; we're going to be in our office;
23 whatever you need, you come and get your stuff, come and talk
24 to us; whatever you need."

25 Q Well, why -- when you're saying that you needed to make

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1 that decision and that's why you spoke with the -- with the
2 woman that was there --

3 A Uh-huh.

4 Q -- why didn't you ask Jonathan what they were up to?

5 A Well, because Jonathan wouldn't have known who those
6 packages belonged to.

7 Q Well --

8 A All he knew was that he had seized packages of
9 transmitters. He had no idea who they belonged to. He didn't
10 know if they were FBI, DEA, or Sinaloa Cartel. The best -- the
11 best person to have answered that question would have been that
12 woman, because she, obviously, would have known, and she said
13 they belonged to the Sinaloa Cartel. And I said, "Well, we're
14 getting out of here." And that's exactly -- what I am telling
15 you is exactly what I told the contingency of federal agent
16 supervisors that were in my office when they broke the whole
17 thing to me.

18 Q Well, but regardless of who the drugs belonged to, they
19 were drugs.

20 A Right.

21 Q And you, as the sheriff, could seize them, so what was the
22 big deal about trying to find out whose they were? You had
23 seized them.

24 A I don't think --

25 Q You could take them to your office and continue your

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1 operation there, or your investigation there.

2 A Well, there are certain things in crime scenes that you
3 can do at the crime scene. Okay? Like the photographs, the
4 fingerprinting, the DNA swabbing; you can do all that at a
5 crime scene. But if -- but if you really believe that your
6 officers or your deputies are in danger, you need to get -- you
7 need to get them out of there. You're not going to put them in
8 harm's way because you want to do a crime scene. I mean, if we
9 lose evidence and I save the life of one of our officers,
10 that's what I'm going to do. And that was my thinking; that
11 was my decision at the time, to get out of there and to get out
12 of there very quickly, and we could do whatever -- we could
13 salvage whatever we had at the office.

14 Q But you took possession of the woman --

15 A Yes.

16 Q -- you took possession of the drugs and the GPS
17 trackers --

18 A Yeah.

19 Q -- and went to the sheriff's office, correct?

20 A And her -- and her vehicle.

21 Q Okay.

22 A And that's when I told the federal agents that we were
23 going to be in our office, they needed to come over there.
24 Even if the stuff wasn't theirs, I think I needed federal
25 assistance in this case if it really was the Sinaloa Cartel.

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1 Q Why didn't you send them to the Mission department if
2 you're -- you've testified that they were under the authority
3 of the Mission department and you didn't supervise them, you
4 didn't regulate them --

5 A Right.

6 Q -- you did nothing with them because they were under the
7 Mission Police Department. Yet when you -- when you -- they
8 seized this cocaine and this woman and there is a safety issue,
9 why didn't you send them to Mission P.D.?

10 A Because, like I said a little while ago -- I think I
11 already answered that. I think it was pretty obvious to me
12 what it was. I mean, I couldn't prove it; I didn't have any
13 facts one way or the other. But my gut feeling was that it was
14 not Sinaloa Cartel. My gut feeling was that this was federal
15 property and that the woman was an informant. That was just --
16 I've been doing this for a long time, Ms. Gutierrez. And when
17 I saw that, as it developed there, it was pretty obvious what
18 it was. I might have been wrong, completely wrong, but I
19 didn't want to take that chance. So, I said, "Pack everything
20 up; let's go to the office," and on the way up there, that's
21 when I called the federal people and says, "Come and meet me
22 over here, because I think we've got something that may be
23 yours, or maybe it's not yours."

24 Q And I understand that.

25 A Okay. So, I don't understand what else you don't

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1 understand about that.

2 Q My question is: Why did you take possession of
3 everything, of even the case itself --

4 A Right.

5 Q -- and bring it over to the sheriff's office when that,
6 you've already testified, is not your practice; because the
7 safety issue would have been resolved had you just left the
8 scene, everyone left the scene, and you could have sent them to
9 Mission P.D. That you haven't answered yet.

10 A Yes, I did answer it. You just don't understand it.

11 Q Well, then --

12 A The answer to that is that my gut feeling was it was
13 pretty obvious what was happening. So, I figured that was the
14 best thing to do, and that's the only way I can answer that.
15 You can ask me this question any other different ways you want.
16 There's only one answer to it. My gut feeling was that there
17 was no Sinaloa Cartel involved. I wasn't sure. My gut feeling
18 was that it was federal property and we needed to get it to the
19 office, get it to our office, and come to a -- to some -- some
20 agreement, some consensus, which we did immediately. And there
21 is just no other way I can answer that, Judge. I mean,
22 that's -- that's it.

23 Q Okay. Well, so, what you're telling the jury is that your
24 gut feeling told you that it was obvious that the Panama Unit
25 was being -- there was a sting operation on the Panama Unit --

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1 A Yeah.

2 Q Okay. That is what wasn't clear. So, you, at the time --
3 at the point where you found -- you came on the scene, found
4 the cocaine with the GPS trackers, to you it was apparent at
5 that point that the -- that the -- well, some federal agency
6 was setting up or conducting a sting operation against the
7 Panama Unit and that they were in trouble. Is that correct?

8 A That's true.

9 Q And for that reason -- that is the reason why you chose to
10 take them under your control versus sending them to the Mission
11 Police Department.

12 A Well, you're making it sound like if I was covering up.
13 And that's the last thing I was doing; because as soon as we
14 took possession, I called the federal agencies, said, "We need
15 to come to my office; I've got your stuff here, if it is yours.
16 If it's not yours, then I still need your assistance." And
17 that's -- there is just no other way to answer that. I
18 don't -- I don't understand what your point is.

19 **THE COURT:** Well, why did you immediately conclude,
20 or your gut feeling was, that this was a sting operation on the
21 Panama Unit, that they were in trouble?

22 **THE WITNESS:** Because of the way the packages were
23 packaged, the transmitters on each -- on the packages. I mean,
24 I --

25 **THE COURT:** Well, why didn't you conclude that this

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1 was a -- perhaps a federal investigation that was occurring of
2 drug traffickers that the county or the Mission P.D. or the
3 Panama Unit had just themselves sort of gotten involved in, so
4 you had two agencies involved in the same drug load? I mean,
5 why --

6 **THE WITNESS:** And, your Honor -- and --

7 **THE COURT:** -- why --

8 **THE WITNESS:** Yeah.

9 **THE COURT:** Why did you conclude that there was
10 some -- that this was a sting on the Panama Unit rather than --

11 **THE WITNESS:** Well, it was just --

12 **THE COURT:** -- just a legitimate -- sometimes two
13 people end up surveilling the same house and going in and --

14 **THE WITNESS:** You're correct, Judge.

15 **THE COURT:** I mean, why did you -- I don't understand
16 why you --

17 **THE WITNESS:** Well, I don't -- I don't -- I don't
18 either.

19 **THE COURT:** -- immediately concluded there was a --

20 **THE WITNESS:** I --

21 **THE COURT:** -- there was a sting on the Panama Unit?

22 **THE WITNESS:** Well, like I said, I told the FBI and
23 DEA, it's going to be one or the other; either this is really a
24 legitimate deal or it's not. And that was my concern.

25 //

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1 **BY MS. GUTIERREZ:**2 Q Well, why was that, Sheriff? I mean, trackers in drugs
3 isn't necessarily uncommon. Drug dealers do that, too; isn't
4 that correct?5 A I would imagine they do, but I've never seen it. I
6 haven't ever seen it. That's the first time I ever seen that.

7 Q And you --

8 **THE COURT:** So, again, I don't understand why you
9 immediately concluded this was a sting on the Panama Unit
10 unless you had some prior knowledge that the Panama Unit was
11 doing something bad.12 **THE WITNESS:** No, I didn't have any prior knowledge,
13 Judge. I --14 **THE COURT:** So, why would you think they were --
15 these are your -- what you think are honest police officers --16 **THE WITNESS:** Right.17 **THE COURT:** -- doing their job; why wouldn't you have
18 thought that they simply had gotten involved with the same drug
19 load that a federal agency was tracking rather than your
20 conclusion that you said was that the Panama Unit -- it was a
21 sting against the Panama Unit?22 **THE WITNESS:** Well, you're absolutely right, Judge.
23 And I totally agree with you. I don't --24 **THE COURT:** I don't understand.25 **THE WITNESS:** You know, I had a decision to make, and

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1 it was one or the other, and I didn't know which one it was.
2 But -- and the only thing I could do was just get out of there
3 and call the -- and call the federal agents to come take care
4 of it. I mean, I didn't -- I didn't know one way or the other.
5 I couldn't be sure one way or the other. That's why I needed
6 the federal agencies' assistance to come in and tell me what is
7 going on.

8 **BY MS. GUTIERREZ:**

9 Q And, Sheriff, what you're not telling the jury -- what you
10 haven't told the jury is why the fact that you believe that one
11 of the options, either this was a legitimate deal and it was
12 the drugs for the Sinaloa Cartel or that there was a sting on
13 the Panama Unit, you're not -- you haven't explained to the
14 jury why the Panama Unit being in trouble was one of the
15 options. Why wasn't it either, yes, this is legitimate and
16 it's the Sinaloa drugs, and let's just process it like any
17 other?

18 A Well, because I had to consider all the options. And I
19 don't have an answer for that. I really don't.

20 Q You testified --

21 A I mean, I wish -- I wish I could actually tell you an
22 answer. I didn't say that I had absolute truth. I just said I
23 had a -- just a gut feeling that maybe -- maybe this was a
24 sting. And that's why I turned it around and took it to the
25 office immediately, besides the safety issue. I can't answer

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1 that. I mean, I wish I could. And it's not that I had prior
2 knowledge, because I did not. And --

3 Q Based on your testimony, you -- at that time you had
4 absolutely no knowledge that the Panama Unit was conducting
5 illegal activity, right?

6 A That's right. That's absolutely correct. I had no --
7 no --

8 Q However --

9 A -- no information at all, no proof or allegations for
10 anything that were (indiscernible).

11 Q However, at that time, at that moment, the only other
12 option, other than it being a legitimate deal, or a legitimate
13 seizure, was that the Panama Unit was somehow involved in some
14 wrongdoing, correct?

15 A It was one or the other. And I needed help in deciding
16 which one it was. You're right.

17 Q Sheriff, you were close to the Panama Unit; isn't that
18 correct?

19 A I guess you can -- well, because of my son being involved
20 in it. I mean, I -- I've -- I've known some of those -- I knew
21 at least two of those members when they were children. One of
22 their mothers used to work for me as an undercover officer
23 years ago when I ran a local drug task force. So, yes, I -- I
24 mean, I -- they -- they visited my son at the house quite
25 often.

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1 Q And you were around them frequently; isn't that correct?

2 A No, not -- no, ma'am. Not frequently, no.

3 **MS. GUTIERREZ:** Your Honor, may I approach?

4 **THE COURT:** The bench? Yes.

5 **MS. GUTIERREZ:** No, no, no, your Honor; the witness.

6 I'm sorry.

7 **THE COURT:** Oh. Excuse me. What is it? You have a
8 document you want to --

9 **MS. GUTIERREZ:** I have some pictures.

10 **THE COURT:** All right.

11 **MS. GUTIERREZ:** I believe my next exhibit is 11, and
12 it would be 11, 12 --

13 **THE COURT:** Okay. Have you shown these to opposing
14 counsel?

15 **MS. GUTIERREZ:** I will. Just a moment, your Honor.

16 **THE COURT:** You already introduced 11, so you're on
17 12 now.

18 **(Pause)**

19 **MS. GUTIERREZ:** May I approach, your Honor, the
20 witness?

21 **THE COURT:** You may.

22 **BY MS. GUTIERREZ:**

23 Q I'm going to show you what I'll be marking Exhibits 11 --

24 **THE COURT:** No, 12.

25 **MS. GUTIERREZ:** I'm sorry; 12, 13, 14, and 15.

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1 **THE WITNESS:** Yes, ma'am.

2 **MS. GUTIERREZ:** Can you take a look at them?

3 **THE WITNESS:** Yes.

4 **(Pause)**

5 Okay.

6 **MS. GUTIERREZ:** Your Honor, I ask that they be
7 admitted into evidence. Oh. Well, let me ask him.

8 **THE COURT:** All right.

9 **BY MS. GUTIERREZ:**

10 Q These pictures show -- let's start with Number 12. That's
11 you in this picture? Do you recall --

12 A Yes.

13 Q Okay. And does this picture -- are all of the pictures
14 that you're looking at accurate and reflect --

15 A Yes.

16 Q -- what they purport to reflect?

17 A Yes, ma'am.

18 **MR. STURGIS:** Judge, based on that testimony, I have
19 no objection.

20 **THE COURT:** And you believe they're relevant?

21 **MR. STURGIS:** At this point, I believe that she's
22 going to ask him who's in the pictures, so, yes, relevant.

23 **THE COURT:** All right. The Court will admit 12
24 through 15 without objection.

25 **(Defendant's Exhibits Numbers 12 through 15 were received**

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1 **in evidence)**

2 You may publish them from the projector.

3 **MS. GUTIERREZ:** Thank you, your Honor.

4 **BY MS. GUTIERREZ:**

5 Q Can you see that? I believe it's in your -- in front of
6 your (indiscernible)?

7 A Yes, ma'am. I can see it.

8 Q Okay.

9 A Oh, that's -- oh, okay. Thank you.

10 Q Okay. Can you identify the individual to the left, to the
11 very left of the picture?

12 **THE COURT:** Holding -- well --

13 **THE WITNESS:** I believe --

14 **THE COURT:** In the camouflage? Are you talking
15 about --

16 **MS. GUTIERREZ:** Yes.

17 **THE COURT:** -- the cap?

18 **MS. GUTIERREZ:** In the camouflage vest to the left,
19 to your --

20 **THE WITNESS:** I believe that's Sal -- I believe it's
21 Sal Arguello.

22 **BY MS. GUTIERREZ:**

23 Q Okay. And the next individual?

24 A I believe that's Claudio Mata.

25 Q And that is you in the center; is that correct?

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1 A That's myself. That's right.

2 Q Okay. And your -- the person to -- to your --

3 **THE COURT:** Next in the order?

4 **MS. GUTIERREZ:** The next in order.

5 **THE WITNESS:** That's my son, Jonathan.

6 **BY MS. GUTIERREZ:**

7 Q And, then, the last person. Well --

8 A Eric Alcantar.

9 Q -- whose face we can see. Okay. And these are members of
10 the Panama Unit; is that correct?

11 A That's right.

12 Q And this is at a -- your skeet -- your annual skeet shoot
13 event?

14 A Yes. That's correct.

15 Q I'm going to show you Defendant's Exhibit 13. There are
16 five members of the Panama Unit in this picture; is that
17 correct?

18 A I think there's four.

19 Q Well, let's go through that. This picture was taken at
20 the grand opening of your campaign headquarters; is that
21 correct?

22 A From the background picture, I would say yes.

23 Q Okay. And this was in the year 2012; is that correct?

24 A I'm -- yes, we opened in 2012, right.

25 Q And the -- can you identify the members of the Panama

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1 Unit?

2 A Claudio Mata, Eric Alcantar, and my son, Jonathan.

3 Q Okay. And this individual -- your Honor, I don't have a
4 pointer -- but the individual in the very --5 **THE COURT:** What color shirt?6 **MS. GUTIERREZ:** -- middle -- excuse me?7 **THE COURT:** In the red shirt do you mean?8 **MS. GUTIERREZ:** No, the one in the middle with the
9 brown shirt and the sunglasses on his forehead.10 **THE COURT:** Oh. In the back?11 **MS. GUTIERREZ:** That is Alexis Espinoza; is that
12 correct?13 **THE WITNESS:** That's correct.14 **BY MS. GUTIERREZ:**15 Q And he also was arrested in connection with this case,
16 correct?

17 A That's correct.

18 Q I'm going to show you what has been marked Defendant's
19 Exhibit 14. And that is also at the fundraising headquarters
20 kickoff, correct? Or grand opening; I apologize.

21 A Well, I don't know -- yeah, I believe it was.

22 Q Okay. And how many members of the Panama Unit are in this
23 picture?24 A Just one. I don't -- which is Fabian Rodriguez to the
25 left.

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1 Q Yes; the one in the black shirt?

2 A Yeah. Right, black shirt. That's right. Yeah.

3 Q Okay. And there is an individual to the far right, and
4 that is J.P. Flores; is that correct?

5 A That's correct.

6 Q Okay. And two from J.P. Flores, which is the individual
7 in the middle with the cap, that is Jerry Del Angel; is that
8 correct?

9 A Doesn't look like him, but if -- yeah, I guess it would
10 be, but I don't recognize him. It's --

11 Q But you are familiar with Jerry Del Angel?

12 A Yeah. Yeah, absolutely. Yes.

13 Q Would you like to see the picture up close?

14 A Well, it looks like him, and I would -- Jerry -- I know
15 that Jerry was there that evening.

16 Q Okay. And both Jerry Del Angel and J.P. Flores are
17 deputies with -- were deputies within the Crimestoppers unit;
18 is that correct?

19 A You're correct.

20 Q And that -- and during the time of that, when this picture
21 was taken, they were both employed in the Crimestoppers
22 division, correct?

23 A Yes. You're correct.

24 Q And I am going to show you Defendant's Exhibit 15. And
25 that, Sheriff, is a picture of yourself with members of the

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1 Panama Unit, including the sergeant, correct?

2 A That's correct.

3 Q Okay. Can you name them beginning from left to right?

4 A That's -- I believe that's Sal Arguello, Claudio Mata,
5 Eric Alcantar, myself, my son, Jonathan, and Sergeant Roy
6 Mendez.

7 (Pause)

8 Q That last picture that I showed you had to do with the
9 Tierra Santa Golf event, correct?

10 A That's correct.

11 Q And that was a campaign fundraiser?

12 A Yes, ma'am.

13 MS. GUTIERREZ: May I approach, your Honor, the
14 witness?

15 THE COURT: You may.

16 BY MS. GUTIERREZ:

17 Q I'm going to show you what I've marked as Defendant's
18 Exhibit 16. Do you recognize that picture to also be a picture
19 taken at the Tierra Santa golf fundraiser?

20 A I'm going to -- I'm going to pull my glasses out, Judge.
21 I just --

22 THE COURT: Of course.

23 (Pause)

24 THE WITNESS: Yes, it is.

25 (Pause)

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1 **MR. STURGIS:** Judge, may we approach?

2 **THE COURT:** You may.

3 **(Sealed bench conference omitted from 10:19 a.m. to**
4 **10:20 a.m.)**

5 **(Recess was taken from 10:20 a.m. to 10:39 a.m.)**

6 **(Jurors present)**

7 **THE COURT:** All right. Good morning again. Please
8 be seated.

9 All right. Ms. Gutierrez, you may resume your
10 examination.

11 **MS. GUTIERREZ:** Thank you, your Honor.

12 **DIRECT EXAMINATION (CONTINUED)**

13 **BY MS. GUTIERREZ:**

14 Q Sheriff Trevino, the last picture that I showed you, do
15 you recall this picture from your website, Reelect Sheriff
16 Trevino (indiscernible)?

17 **THE COURT:** What --

18 **THE WITNESS:** Well, yes. I do recall that, yeah.

19 **THE COURT:** What's the exhibit number you're
20 referring to?

21 **MS. GUTIERREZ:** The exhibit number is Defendant's
22 Exhibit 16.

23 **THE COURT:** Sixteen has not been admitted yet. Okay.

24 **MS. GUTIERREZ:** No, it hasn't.

25 //

1 **BY MS. GUTIERREZ:**

2 Q And you recall that this is a picture taken from the
3 Tierra Santa golf fundraiser? Is that correct?

4 A I recognize the building in the background. Yes, ma'am.

5 Q And that occurred in 2011; is that correct?

6 A I believe it did.

7 Q Okay.

8 A Well, it could have; because I know I had one in '12 also.
9 It could have been '11 or '12. I don't know what year that
10 was. I've had -- I think I -- I believe I've had three
11 tournaments in that -- in that particular golf course, but I
12 don't know which year that was.

13 Q And you are in this picture, correct?

14 A Yes. That's correct.

15 Q And this picture, as I showed it to you, represents what
16 it purports to; it hasn't been adjusted in any way or
17 photoshopped, correct?

18 A Well, I don't -- I don't know. I couldn't say that.

19 Q Well, right; but based on what you know is on your
20 website, this is an accurate depiction of what is on your
21 website, correct?

22 A If you took it from the website, just like that, then,
23 yes, it is.

24 **MS. GUTIERREZ:** Your Honor, I ask that it be
25 admitted.

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1 **THE COURT:** Any objections from the Government?

2 **MR. STURGIS:** The only objection, your Honor, is the
3 relevance at this point.

4 **THE COURT:** I thought you all showed me that there
5 were people relevant.

6 **MR. STURGIS:** And that's what I was going to ask,
7 that she prove it up, your Honor.

8 **THE COURT:** All right. Well, I don't know these
9 people. I've been told there are people that are relevant in
10 the picture, but I don't know that. I assume the Government
11 would recognize these people.

12 **MR. STURGIS:** Some of the people I do recognize, your
13 Honor. All -- I think just the witness needs to identify the
14 people in the picture, and then we have no objection.

15 **THE COURT:** All right.

16 **MS. GUTIERREZ:** Well --

17 **THE COURT:** Well, I'll admit it, but if it's -- if
18 you're unable to identify the people in the photo, then the
19 Court may strike it later.

20 **MS. GUTIERREZ:** Very well, your Honor.

21 **THE COURT:** All right. So, I'm conditionally
22 admitting it.

23 (**Defendant's Exhibit Number 16 was received in evidence**)

24 **MS. GUTIERREZ:** May I approach the --

25 **THE COURT:** Yes.

1 **BY MS. GUTIERREZ:**

2 Q Sheriff, can you identify the individual to -- on the very
3 left?

4 A On the very left --

5 Q Yes.

6 A -- would be Commander Joe Padilla.

7 Q Okay. That is Commander Joe Padilla.

8 A Right.

9 Q Can you -- isn't it -- can you identify the individual
10 to -- on the far right-hand side?

11 **THE COURT:** In the red baseball cap?

12 **MS. GUTIERREZ:** Yes, in the red baseball cap, brown
13 jacket.

14 **THE WITNESS:** I have no idea who that is.

15 **BY MS. GUTIERREZ:**

16 Q Is that -- isn't it true that that's Fabian Rodriguez?
17 Would you like for me to zoom?

18 A Well, it could be. I -- I'm not really sure. I can't
19 tell. It looks like him. It's kind of -- this is very fuzzy,
20 but it could be. I can't -- I can't say positively that it is.
21 It could be.

22 **THE COURT:** The big screen is not as fuzzy. For some
23 reason the resolution on the monitors isn't that --

24 **THE WITNESS:** May I stand, your Honor?

25 **THE COURT:** Yes, please, if that's of any assistance.

1 **THE WITNESS:** It looks like him.

2 **BY MS. GUTIERREZ:**

3 Q Okay. And isn't it true that the individual in the red
4 shirt and red cap that's standing next to Fabian Rodriguez is
5 Fernando Guerra, Sr.?

6 A I have no idea who that man is. I've never met him.

7 Q But, based on this picture, you don't deny that that man
8 is at your golf fundraising event, correct?

9 A That's right. He's -- he's standing there, yeah.

10 Q Okay. And I'm going to show you again Defendant's Exhibit
11 15. That picture with the Panama Unit at a -- that is also at
12 that same golf tournament, correct, at Tierra Santa?

13 A I don't know, and that -- like I said, I've had several,
14 and I guess you can compare the shirts maybe and --

15 Q Would you like for me to put them side by side?

16 A I guess, but -- I've had several there, so I don't know
17 which one.

18 **THE COURT:** Well, could you tell maybe from your
19 sunglasses or the shirt or something?

20 **THE WITNESS:** Yeah, if I could tell -- you know, see
21 both of them, yeah.

22 **(Pause)**

23 It appears to be, yes.

24 **MS. GUTIERREZ:** Very well.

25 //

1 **BY MS. GUTIERREZ:**

2 Q Now, Sheriff, with respect to Jonathan Trevino, you
3 weren't suspicious at all that there was something going on
4 based on the -- the way that Jonathan was spending money, that
5 something was -- was up?

6 A Jonathan lived with my wife and I. I believe, like you
7 said, it started in '09. He does not pay rent, didn't pay for
8 his meals; his mom did all his laundry. He lived practically
9 free at the home. And I -- he kept his entire paycheck. And I
10 understand that he was making quite a bit of overtime money.
11 Now, he didn't own a vehicle until very recently that he had
12 bought a pickup truck. So, I mean, I -- I had no reason to
13 question what -- what he was doing.

14 Q What kind of truck did he purchase --

15 A He purchased --

16 Q -- that we're talking about here?

17 A Yeah, he purchased a Ford F250.

18 **MS. GUTIERREZ:** May I approach, your Honor, the
19 witness?

20 **THE COURT:** You may.

21 **MS. GUTIERREZ:** I have marked Defendant's Exhibit 17.
22 Mr. Trevino --

23 **THE COURT:** Have you seen this, Mr. Sturgis?

24 **MR. STURGIS:** No, I have not, Judge.

25 **THE COURT:** And the relevance here is the truck?

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1 **MS. GUTIERREZ:** Yes.

2 **THE COURT:** Or the jet skis?

3 **MS. GUTIERREZ:** Both, your Honor.

4 **THE COURT:** And how is the truck relevant?

5 **MS. GUTIERREZ:** To identify the fact that he
6 purchased it during the period of time that we're talking about
7 here. But the jet ski, obviously, is more relevant.

8 **THE WITNESS:** Go ahead.

9 **THE COURT:** All right.

10 **BY MS. GUTIERREZ:**

11 Q Do you recognize this to be Jonathan's truck?

12 A It -- it's parked in front of my house, so that's got to
13 be it. I don't -- I don't know what the license plate is, but
14 it's parked in front of my house, so I would say -- I would
15 say, yes, it is.

16 Q Does this truck appear to be the exact -- exactly like the
17 truck --

18 A Yes.

19 Q -- that Jonathan purchased?

20 A Yes.

21 **MS. GUTIERREZ:** Your Honor, may I ask that it be
22 admitted?

23 **THE COURT:** And what's the time frame on this?

24 What --

25 **MS. GUTIERREZ:** The time frame --

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1 **THE COURT:** Do you know about when this must have
2 been -- could have been taken or --

3 **THE WITNESS:** I don't -- I --

4 **THE COURT:** Well, was it between whenever --

5 **THE WITNESS:** I have no idea when that was taken.

6 **THE COURT:** -- 2012, 2011?

7 **MS. GUTIERREZ:** It was --

8 **THE COURT:** Somewhere in that time frame?

9 **THE WITNESS:** Well, it's -- the truck's a -- is a
10 '12, your Honor, so he might have bought it late '11; I'm not
11 really sure when he bought it. So, I don't know when that was
12 taken.

13 **THE COURT:** All right.

14 **MS. GUTIERREZ:** I ask that it be admitted, your
15 Honor.

16 **THE COURT:** On the truck? I would say relevancy.
17 But --

18 **MR. STURGIS:** Objection to the relevance of it, your
19 Honor.

20 **THE COURT:** The only -- would be on the other issue.

21 **MS. GUTIERREZ:** Yes, your Honor.

22 **THE COURT:** The jet skis. But, again, nobody's --

23 **MR. STURGIS:** Oh, okay, but I -- but there is nothing
24 that's established --

25 **THE COURT:** Nobody's proven that up, so the Court's

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1 going at this time to deny admission of that until you have a
2 witness or -- or the sheriff can identify the other aspect.

3 **MS. GUTIERREZ:** Very well, your Honor.

4 **BY MS. GUTIERREZ:**

5 Q And you notice that this truck is pulling a jet ski. This
6 truck that is parked in front of your house is pulling a jet
7 ski.

8 A Yes, ma'am.

9 Q Okay. Do you recall an incident when you went to the
10 island and Jonathan took some jet skis?

11 A He took one jet ski.

12 Q Okay. And this jet ski is the jet ski that he took,
13 correct?

14 A I have no idea.

15 Q Does it resemble the jet ski that he took?

16 A Well, I don't know anything about jet skis. They all look
17 the same to me, so -- it could be. I don't know.

18 Q Do you remember the color of the jet ski?

19 A No, I do not.

20 Q And isn't it true that you were made aware that the jet
21 ski belonged to Fernando Guerra, Sr.?

22 A No. That is not true.

23 Q You have heard that allegation, however, correct?

24 A Yes, I have heard the allegation.

25 Q And did you question Jonathan about that allegation?

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1 A Not -- not the allegation. The allegation was after the
2 fact, after he pled guilty.

3 Q Well, right, but when -- once you heard the allegation,
4 did you question Jonathan about it?

5 A Yes.

6 Q Okay. And isn't it true that he confirmed that the jet
7 ski came from Fernando Guerra, Sr.?

8 A Actually, what he told me was this -- which was the same
9 answer, I believe, that he gave me when I first asked him about
10 it when we were going to go on a family vacation. I said,
11 "Where did you get this from? Did you buy it?" He said, "No."
12 He said a -- "A friend of Fabian loaned it to Fabian to lend to
13 me." And I said, "Who is the guy?" He says, "I don't know who
14 the guy is. I've never -- never met the guy."

15 Q So, he borrowed it from someone he didn't know, or he
16 borrowed it from Fabian?

17 A He borrowed it from Fabian and Fabian had borrowed it from
18 somebody else. Jonathan knew it did not belong to Fabian.
19 Jonathan knew it belonged to a third party that was never
20 identified to me.

21 Q And during that time that he took that jet ski to the
22 island, he hauled it in his Ford truck, correct?

23 A He took "a" jet ski to the island. Yes, ma'am.

24 Q What I'm asking you is that he hauled it to the island in
25 his black Ford truck.

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1 A Yes, ma'am.

2 Q Okay.

3 **THE COURT:** He towed it. He didn't actually --4 **MS. GUTIERREZ:** He towed it.5 **THE WITNESS:** Towed it.6 **THE COURT:** -- haul it in the truck.7 **THE WITNESS:** Yeah. Towed it.8 **THE COURT:** He towed it behind the truck.9 **MS. GUTIERREZ:** Your Honor, may I approach?10 **THE COURT:** You may.11 **MS. GUTIERREZ:** Exhibit -- Defendant's Exhibit 18.12 **THE COURT:** Okay. You're skipping 17 for now?13 **MS. GUTIERREZ:** For now, your Honor.14 **THE COURT:** Moving on to 18?15 **MS. GUTIERREZ:** May I approach the witness, your
16 Honor?17 **THE COURT:** Yes.18 **BY MS. GUTIERREZ:**

19 Q Sheriff, can you take a look at this picture?

20 A Yes, ma'am.

21 Q Do you recognize it?

22 A Yes, I do.

23 Q Okay. And does it purport to show what was going on at
24 the time the picture was taken?

25 A Yes, ma'am.

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1 Q And does it appear to be adjusted in any way or changed?

2 **THE COURT:** He's already answered the question, does
3 it fairly and accurately purport to depict the matters
4 contained therein; he said yes.

5 **MS. GUTIERREZ:** May I -- your Honor, I ask that it be
6 admitted; Number 18.

7 **THE COURT:** Any -- Mr. Sturgis?

8 **MR. STURGIS:** Judge, again, just if we could
9 establish the relevancy of it.

10 **MS. GUTIERREZ:** Well, your Honor --

11 **THE COURT:** I don't know -- these --

12 **MS. GUTIERREZ:** -- Julio Davila is in this picture,
13 as well as J.P. Flores, and there was prior testimony about
14 the --

15 **THE COURT:** So, this is just to establish the
16 relationship --

17 **MS. GUTIERREZ:** Well, your Honor --

18 **THE COURT:** -- existed?

19 **MS. GUTIERREZ:** Yes.

20 **THE COURT:** Or that they were in the room together?

21 **MS. GUTIERREZ:** The relationship together with the
22 fact --

23 **THE COURT:** Do you know when this -- or the
24 circumstances of this picture, like what event this was?

25 **THE WITNESS:** It's --

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1 **THE COURT:** They look all posed, from my --

2 **THE WITNESS:** Your Honor, it's dated on 2005. That's
3 when it's dated. I don't remember -- actually, I don't
4 remember taking that photo, but I'm -- I'm in it, so,
5 obviously, I took it -- I was in the photo, but that was in
6 2005, when it's dated.

7 **MS. GUTIERREZ:** Can I ask (indiscernible)?

8 **THE WITNESS:** I can tell you what it is.

9 **THE COURT:** Sure. Sure. Go ahead -- well, let --

10 **MS. GUTIERREZ:** Well --

11 **THE COURT:** -- Ms. Gutierrez --

12 **THE WITNESS:** Would you like --

13 **THE COURT:** -- ask the question.

14 **THE WITNESS:** Yeah.

15 **BY MS. GUTIERREZ:**

16 Q Isn't it accurate that the Crimestoppers board had given
17 you some sort of recognition?

18 A No. That particular photo is the entire Hidalgo County
19 Crimestoppers board, which again, testified earlier, is not in
20 any way connected to the sheriff's office. They -- they
21 received a -- an award from the state, I believe for the
22 most -- either the most calls or for the most property seized;
23 I'm not sure. It's in one of our -- that particular plaque is
24 displayed in one of our trophy cases there at the office. It
25 was not for me. It was for them, and we display it at the

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1 office.

2 **MS. GUTIERREZ:** Thank you, your Honor. May -- your
3 Honor, I ask that it be admitted.4 **THE COURT:** And this was 2005?5 **THE WITNESS:** I believe that's my very first year
6 there, your Honor.7 **THE COURT:** All right. And this is to establish the
8 connection between J.P. Flores and Mr. Davila?9 **MS. GUTIERREZ:** And -- and --10 **THE COURT:** And that they're on the board together?11 **MS. GUTIERREZ:** Well, there was the testimony that --
12 the sheriff testified that he didn't really associate with
13 Julio Davila socially or -- and, so, the questions would follow
14 with respect to the social aspect of this.15 **THE COURT:** All right. I'll admit it, not for the
16 reasons you stated, but because it does reflect on the
17 testimony -- the truthfulness of the testimony of J.P. Flores
18 when he said, "I was acquainted with Davila and we did some
19 illegal things."20 **(Defendant's Exhibit Number 18 was received in evidence)**21 **MS. GUTIERREZ:** May I publish it?22 **THE COURT:** Yes. You may.23 **BY MS. GUTIERREZ:**

24 Q That's you in the center, Sheriff; is that correct?

25 A That's correct.

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1 Q Okay. And to the far right, can you identify that
2 individual?

3 A That's J.P. Flores.

4 Q Okay. And the individual, the male, to -- that's right
5 behind your left shoulder -- your right shoulder?

6 A My right shoulder? That's -- I believe that looks like
7 Julio Davila.

8 **THE COURT:** He was on the board of Crimestoppers?

9 **THE WITNESS:** Yes, he was.

10 **BY MS. GUTIERREZ:**

11 Q And, Sheriff, is that what you mean when you said that he
12 was a groupie trying to get close to people or involved with
13 people; Julio Davila, that is?

14 A I would suspect. But that -- that was, like I said, in
15 '05.

16 Q And at that time you knew Mr. Davila, correct?

17 A That's when I first met him. I -- I think I first met him
18 in '04, like during my first -- my very first campaign.

19 **(Pause)**

20 Q Are you aware that through Julio Davila it has been
21 alleged -- or that Julio Davila told agents that he introduced
22 Joe Padilla to a drug trafficker out of the Weslaco area named
23 Tomas Gonzalez?

24 A That I'm -- I'm aware that --

25 **THE COURT:** Well, that --

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1 **THE WITNESS:** -- Julio told this to the agents? I
2 have -- I have no idea what they -- what Julio told the agents.

3 **BY MS. GUTIERREZ:**

4 Q Okay. So, you haven't heard that before.

5 A No.

6 Q Do you know an individual named Tomas Gonzalez out of the
7 Weslaco area?

8 A I know of him.

9 Q And he is a known drug trafficker, correct?

10 A Yes, he is. If it's the same one we're talking about.

11 Q Do you recall that your office conducted a raid on his
12 ranch back in 2011?

13 A I know that we conducted a raid. I don't know the date.

14 Q And on that raid there was 2,000 pounds of marijuana
15 seized; do you recall that?

16 A I don't recall the amount that was seized.

17 Q Do you recall that there was -- there were drugs that were
18 seized?

19 A Yes. There were -- there was a -- there definitely was a
20 seizure made.

21 Q Do you -- are you aware of any affiliation between Joe
22 Padilla and Mr. Gonzalez?

23 A I don't know the -- the relationship. I do know that they
24 do -- that either Joe speaks to somebody that works there; I
25 don't know if he speaks -- or spoke to him directly.

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1 (Pause)

2 Q Have you ever been to Julio Davila's house?

3 | A No.

4 Q Are you aware of Commander Padilla ever being at Julio
5 Davila's house?

6 A I don't -- I don't know. I have no idea.

7 Q Sheriff, with respect to some of the officers that were
8 asked to resign from the sheriff's office --

9 **THE COURT:** Can I have you all approach quickly, or
10 briefly?

11 (Sealed bench conference omitted from 10:57 a.m. to
12 10:58 a.m.)

13 | THE COURT: You may proceed.

14 DIRECT EXAMINATION (CONTINUED)

15 BY MS. GUTIERREZ:

16 Q Sheriff, you informed the constituents, I suppose, about
17 the fact that after the Panama Unit was arrested that you asked
18 the deputies to resign, correct?

19 A Yes. And we're talking about Panama Unit members?

20 O I'm not sure. That would be my follow-up question.

21 A Well, I --

22 Q You had indicated that you -- after the Panama Unit
23 members were arrested you asked some deputies that were
24 connected with the Panama Unit to resign, correct?

25 A Yes, ma'am.

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1 Q And who were they?

2 A I believe it was Claudio Mata, Eric Alcantar, Sal
3 Arguello. And I believe it was Fabian, also. And that person
4 not connected to the Panama Unit but which I also asked to
5 resign was J.P. Flores. And I asked -- I believe I asked J.P.
6 I'm not sure about that. I think I did. And I know there's
7 one more. I can't think of who it is.

8 Q Would it be the sergeant in charge of handling it?

9 A No. No, it was not the sergeant. Oh, yes, Mr. Duran. I
10 can't think of his first name.

11 Q Gerardo?

12 A Gerardo. But he was not assigned to the Panama Unit.

13 Q And Roy Mendez was not asked to resign?

14 A No, he was not.

15 Q And he was a long-time sergeant for the Panama Unit,
16 correct?

17 A That's correct.

18 Q And I think that you stated that at the time of the arrest
19 it was Sergeant Lopez that was --

20 A No. No, it was Sergeant Rudy Rodolfo Salinas.

21 Q And he was not asked to resign.

22 A No, ma'am.

23 Q And based on the policy there at the Sheriff's Office what
24 is the difference between termination and resignation?

25 A Between what?

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1 Q Termination and resignation.

2 A Well, termination is when I tell you "You're fired."

3 Resignation is when they say "I quit."

4 Q And with respect to benefits, if someone resigns do they
5 maintain their benefits?

6 A I'm not sure about that. I believe if -- oh, yes, right;
7 you're absolutely right. I'm thinking of something else.

8 You're right. If you resign, obviously you may be eligible for
9 retirement. You can retire, you can do that, that's right.

10 Q And whatever benefits that you've accumulated up until the
11 point that you resign --

12 A Right, exactly.

13 Q -- you get to keep, correct?

14 A Yes, ma'am.

15 Q However, if you're terminated you don't get to keep those
16 benefits, correct?

17 A I'm not sure about that. I believe you still -- I don't
18 see how they can take them away from you. I have not -- that's
19 an administrative technical question that I cannot answer. I'm
20 not really sure.

21 **THE COURT:** Relevance, also. Let's move along.

22 **BY MS. GUTIERREZ:**

23 Q Why is it that you asked them to resign versus terminating
24 them?

25 A Because the FBI had a meeting with me that day and they

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1 briefly outlined to me what they had been doing, what the
2 charges were. And I did not want to prolong any sort of
3 investigation, and it was in their best interest really, the
4 best interest of the department and the county that they resign
5 immediately.

6 Q But you could have terminated them, correct?

7 A Not unless I had conducted a thorough investigation that
8 might have taken some time.

9 Q You stated that you have implemented a suitability
10 evaluation program within the Sheriff's Office, correct?

11 A That's right.

12 Q And what that means, what that is intended to do is root
13 out corruption within the Sheriff's Office, correct?

14 A Yes, ma'am.

15 Q And part of this program requires a written test together
16 with a polygraph, correct?

17 A That's correct.

18 Q However, you have not asked Padilla to take this test,
19 correct?

20 A I haven't asked anybody because my polygrapher retired and
21 we're open for bids right now for a polygraph examiner. As
22 soon as we -- the bidding process and we accept a polygrapher
23 and then we start our program.

24 Q But the program is two-fold. They will take a written
25 exam first and then a polygraph, correct?

1 A That's correct.

2 Q And you have not asked Padilla to take the polygraph -- I
3 mean the written exam, correct?

4 A I haven't asked anybody because I don't have a
5 polygrapher. The polygrapher will not polygraph unless he
6 gives an exam right after the -- he will not polygraph you
7 unless he gives you the exam first. So it's a one-two quick
8 step.

9 Q And as you sit here today you have not taken any action
10 against Padilla, correct?

11 A That's correct.

12 **THE COURT:** The Sheriff's already answered these
13 questions.

14 **MS. GUTIERREZ:** I pass the witness, your Honor.

15 **THE COURT:** All right. Any cross examination?

16 **MR. STURGIS:** Yes. Yes, your Honor.

17 **CROSS EXAMINATION**

18 **BY MR. STURGIS:**

19 Q Good morning, Sheriff.

20 A Good morning, Mr. Sturgis.

21 Q You were asked a whole bunch of questions on a variety of
22 topics. I'm just going to go back through a few of them. You
23 described how the events happened on December the 12th of 2012,
24 how you became involved in that. You stated before that you
25 had no information, no idea that anything was going on; is that

Trevino - Cross / By Mr. Sturgis

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1 correct?

2 A Yes, sir. I have no knowledge of any illegal activities
3 that the Panama Unit was involved in.4 Q That day when you were meeting with the media concerning
5 the shootings or the murders --

6 A Yeah.

7 Q -- you had no connection to your son or the Panama Unit at
8 that time.9 A No. No, sir, not that morning, not at all. I didn't even
10 know -- I had no idea they were out in the street.11 Q Okay. Because, as you said, normally you don't get
12 involved with those things unless it's a murder or shooting or
13 something of that sort.

14 A A significant nature type of event, yes, sir.

15 Q And then you said you got delayed by whichever, and then
16 you met with them at Minnesota Val Verde.

17 A That's correct.

18 Q Were you still meeting with them when you first got some
19 indication that something had happened or you had already left?20 A I had already left and I was in route to the office when I
21 heard the radio traffic.22 Q And the radio traffic that you heard came about through
23 how? Through the computer system, through the -- just the
24 radio itself, your cell phone? How did you --

25 A The first was through the radio.

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1 Q Okay.

2 A That's when I made communications with the dispatcher.
3 And then the second call -- I'm sorry. Then the next step was
4 the telephone call from Jonathan.5 Q Okay. So first you heard it through radio dispatch at the
6 SO, at the Sheriff's Office. And when you first heard that
7 dispatch, did you try to communicate back over or were you
8 still traveling before you got the call from your son?

9 A No, I was still in route to the office.

10 Q And if I heard right, you tried to get communication back
11 through dispatch over to the scene to see what was going on or
12 is it --13 A Right, exactly. To see what was happening. That's when
14 Jonathan came on the radio and then he calls me and says, "We
15 have something different or unique or significant." He used
16 some sort of word; I forgot what it was and said -- no, he said
17 we have a situation that needs to be dealt with, something to
18 that effect. I don't remember his exact words. He must have
19 heard me on the radio.

20 Q Okay. But you heard him on the radio before he called?

21 A That's right.

22 Q And how did he identify himself? Did you just hear his
23 voice or did he say, "This is, you know, Jonathan Trevino"?24 A No, he just said "Panama Unit," something or other,
25 whatever his number was. But I recognized his voice.

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1 Q So you heard him and then recognized his voice.

2 A Right.

3 Q And then shortly after that is when he contacted you.

4 A That's right.

5 Q And he told you there was something unique going on and --

6 A Yeah.

7 Q -- you turned around and went out there.

8 A Right.

9 Q When you got back to the scene, what was the first thing
10 that happened?

11 A The first thing that happened was I rolled up, I got out
12 of my vehicle, I saw a lady being hysterical out by herself.
13 And I said, "What's she doing by herself, you know? Have
14 somebody stand with her."

15 Q So she was standing separate.

16 A Separate from everybody.

17 Q Like how far away?

18 A Two car lengths.

19 Q Okay.

20 A And she was standing there with them -- by herself. And I
21 said, "Get somebody with her." And we got somebody with her
22 and I said, "What do you have?"

23 And he said, "Well, we pulled this lady over. We had
24 information she was transporting narcotics. We opened up this
25 package and this is what we found."

1 Q Did you see what was found?

2 A Yes, I did.

3 Q So you went over -- if I understand it right, it was still
4 in the trunk of her car?

5 A Yes, it was.

6 Q So the bundles hadn't been moved to some other vehicle,
7 they were still in the car.

8 A They were still in the car. Yes, sir.

9 Q And what did you see when you first got to the trunk?
10 What did you see?

11 A Well, they displayed the package to me, and then they
12 said, "There's something in it." And they opened it up and
13 then that's when I saw the transmitters.

14 Q Did you pick the transmitter up and look at it or you just
15 saw the transmitter --

16 A I just saw them.

17 Q Okay.

18 A I don't believe that -- I might have touched them. I
19 don't think I did though.

20 Q And what happened after that? What did you do after that?

21 A Then I got Jonathan off to the side. I said, "Tell me
22 exactly what happened here. I mean what's so significant about
23 this?"

24 And he says that Alexis had called him that morning,
25 that this lady was in possession of narcotics and that she

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1 needed to be pulled over. And the first thing I asked him was,
2 "Did you call your supervisor?"

3 And he said, "Well, we haven't called him yet." And
4 that's when he shows the package to me, tells me what traffic
5 stop went on, took the packages and saw the transmitters, then
6 he called.

7 Q So you asked him -- I guess the supervisor you are
8 referring to is Mr. Mendez?

9 A No, no. This is -- now we have Rudy Salinas here.

10 Q Okay. So Mr. Salinas.

11 A That's right.

12 Q And he worked for the Sheriff's Department?

13 A Yes, sir.

14 Q Was your son's direct supervisor since he came from
15 Mission -- was the direct supervisor a sheriff's deputy or was
16 it the Mission person? Who would have been your son's direct
17 supervisor?

18 A He -- the way I understood, Chief Longoria had set it up.
19 For field operations he had our supervisor take care of things.
20 When it came to Mission stuff, then there was a Mission
21 supervisor assigned to that unit.

22 Q Okay. So if I understand right, he had basically two
23 supervisors?

24 A Yes, pretty much. Yes.

25 Q And that was the question I had. Whose idea was the

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1 Panama Unit originally?

2 A Mine.

3 Q The very first idea.

4 A It was my idea.

5 Q Your idea. So you talked to the Mission --

6 A Yes, sir.

7 Q Going back to December the 12th now, you've seen the
8 tractors, you've talked to your son who says that Alexis
9 Espinoza set up this deal where this lady was supposed to be --
10 when I say "set up," he had provided your son information that
11 this female was supposed to be transporting cocaine.

12 A I don't think he --

13 Q He told you --

14 A I don't know that he said cocaine, Mr. Sturgis. I know
15 he -- I know he said she was transporting drugs. I don't know
16 that he was specific as to what type of drugs she was
17 transporting.

18 Q Okay. And did you talk to Mr. Espinoza at all that day?

19 A Yes, I did. I pulled him aside. I said --

20 Q Okay. After you talked to your son.

21 A After I talked to Jonathan.

22 Q You pulled Mr. Espinoza aside. This is Alexis Espinoza.

23 A Alexis. By himself.

24 Q Okay.

25 A And I said, "What happened here?" And he basically tells

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1 me the same story, that he got information that this lady was
2 transporting drugs. He had called Jonathan and went out there
3 to make the arrest.

4 Q And Mr. Espinoza was a Mission Police Department officer,
5 correct?

6 A He's a Mission police officer assigned to the ICE Task
7 Force.

8 Q Right. He actually wasn't Panama.

9 A That's correct. He was not.

10 Q And why would he be out there if he was a Mission police
11 officer but he's assigned to ICE, now HSI but the federal
12 agency? Why would he be out there with just all the Panama?

13 A I have no idea, Mr. Sturgis. I have absolutely no idea
14 why he was allowed to do that by his Mission or his HSI
15 supervisor. I have no idea why.

16 Q Were you aware that Mr. Espinoza had helped Panama do, I
17 guess, legitimate law enforcement duties, tasks, as well as the
18 other deals where Mr. Espinoza was working in conjunction with
19 the members of Panama to steal narcotics?

20 A I do now after the fact. I had heard that he was -- that
21 he had provided information that he was getting from HSI or ICE
22 back then to the unit and working deals. That I had heard.

23 Q Prior.

24 A But it was sharing of information.

25 Q Prior to December the 12th.

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1 A Prior to December the 12th. Yes, sir.

2 Q How long prior? I mean I know you probably don't know the
3 exact dates, but are we talking a month or two?

4 A Months. Within months.

5 Q Okay.

6 A Months.

7 Q So you were aware that he was helping your son --

8 A Right.

9 Q And if I understand it right, your son Jonathan and Alexis
10 Espinoza have been friends for many, many years; they go way,
11 way back.

12 A Go back since they were babies, yeah.

13 Q Now, after you talked to Mr. Espinoza and he gives you
14 this scenario about how this happened, did you talk to the
15 lady?

16 A Yes, I did.

17 Q And was someone else with you when you talked to her or --

18 A No.

19 Q -- did you talk to her alone?

20 A I talked to her alone.

21 Q Okay. And what was that conversation about?

22 A I asked her, I said, "I want you to tell me exactly what
23 is going on here." And she was really hysterical. And I said,
24 "Just calm down." I said, "First of all, do you know who I
25 am?"

1 And she says, "No, I have no idea who you are."

2 And I said, "Well, my name is Lupe Trevino. I am the
3 County Sheriff. Now I want you to tell me exactly what is
4 going on here."

5 She says, "If we don't get out of here we're going to
6 get hurt, I'm going to get killed. These packages belong to
7 the Sinaloa Cartel and, you know, we've got to get out of
8 here." And she says, "I'm really scared."

9 And she was really -- I mean she put on a heck of a
10 good act. I mean she was really crying and carrying one and
11 this sort of thing.

12 And, you know, Mr. Sturgis, maybe I've been doing
13 this too long. You know, maybe I'm just too cynical and too --
14 over suspicious. But things just didn't seem right to me; they
15 really didn't. And that's the only answer I can give you as to
16 why it --

17 Q Right. As you testified, you already had -- after seeing
18 the tracker, seeing the situation, at this point you certainly
19 had it in your mind that I believe the feds are probably
20 involved.

21 A At some point, you know, either it's their stuff or it is
22 stuff that Jonathan and Alexis ran -- I mean either one. I
23 mean I was thinking of all options. All options were available
24 here.

25 Q So you testified that -- if I remember right that at this

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1 point you kind of have a gut feeling, you believe that it's not
2 the Sinaloa just based on everything you've seen at the scene
3 the way people are acting and -- but out of, I guess caution
4 sake, you say, "Let's pack everything up, get out of here and
5 get over to the SO where we're at at least a secure place."

6 A The way she was acting when she was saying that -- I give
7 her the benefit of the doubt. And you're right, I just had to
8 get out of there for safety sake.

9 Q Right. And I'm assuming, the way it was being described,
10 is let's get everybody out of your car, the officers, the
11 cocaine, everything, let's get it out of here and get it
12 somewhere where it's secured.

13 A That's right.

14 Q So in case there is cartel members or something, we don't
15 have a shootout or something like that.

16 A That's exactly my thoughts.

17 Q During this time that you're talking to her were you
18 standing outside or did you all go into vehicles, or how did
19 that happen?

20 A She was sitting inside a patrol vehicle handcuffed, and I
21 was standing outside the door.

22 Q Did you transport her -- did you transport her over to the
23 SO, to the Sheriff's Department?

24 A Personally?

25 Q Yes, sir.

1 A No, sir.

2 Q Okay. So there was a marked unit that showed up?

3 A Yes.

4 Q Was that marked unit there when you got there or did it
5 show up after you got there?

6 A I think there was already a marked unit there. I'm not
7 really sure. There's a little bit of confusion. Because I
8 know that I told dispatcher to send any available -- or
9 available marked units to the scene immediately and to find a
10 supervisor. I don't know if one was already there or it got
11 there right after I did.

12 Q That being a marked unit.

13 A A marked unit. Because I'm not really sure on the
14 sequence, sir.

15 Q And there was no supervisor there, correct?

16 A That's right.

17 Q And didn't that kind of strike you as --

18 A That's exactly why I was really upset about the whole
19 thing. I mean that's -- I don't see a street supervisor on
20 there, I don't see a CID supervisor there, I don't see a
21 Mission supervisor there, I don't see the Panama Unit
22 supervisor there. So, you know, they start thinking; you know,
23 they start exploring all options.

24 Q And what were you thinking when you got there and there
25 was no supervisors -- and at that time I don't know if it was

1 Mr. Salinas or Mr. Mendez, but the Panama Unit supervisor isn't
2 even around.

3 A That's right.

4 Q To your knowledge doesn't even know what's going on.

5 A That's right.

6 Q So what are you thinking at that point, you know, about
7 why there are no supervisors --

8 A Well, I didn't start thinking that way until I separated
9 everybody and got their stories. See, I didn't have a
10 preconceived notion as soon as I drove up there, you know. I
11 spoke to everybody. And then I realized we don't have
12 supervisors here. You're got following -- and I guess this is
13 what triggered it, that they didn't follow the protocol; it
14 just didn't seem right.

15 Q Right. I mean you would expect the supervisor --

16 A I would expect the -- because I had just had a meeting
17 with them.

18 Q And they were conducting -- and I'm getting to what you
19 probably were thinking if you had had a meeting with the
20 supervisors and say, "You need to be out there, you need to
21 control these guys, I mean this is your job" and then you get
22 out here on a situation and your gut immediately tells you
23 something is not right and the supervisor is not there. I
24 assume you start to think something is up with these guys. And
25 unfortunately including your son; but something is up,

1 something is not right, the supervisor is not here, this
2 doesn't seem to make sense.

3 A That was one of the options that I was considering; you're
4 right.

5 Q So during any time was the lady frisked to make sure she's
6 not carrying any weapons or anything of that sort?

7 A I would have expected the people that -- I did not frisk
8 her.

9 Q You didn't --

10 A No, I did not. But I would have assumed -- I expected
11 either the arresting officers -- and I am almost sure that the
12 deputy that took custody of her -- because that is our
13 policy -- that she was frisked for weapons or anything before
14 she was placed in the marked unit. I have to assume that. I
15 don't know that is was or it was not.

16 Q You never ordered anybody or asked anybody, "Hey, please
17 frisk her and --

18 A No.

19 Q -- make sure she's okay."

20 A No.

21 Q Did you put her in the car or did someone else put her in
22 the car?

23 A Someone else did. And I don't know who it was.

24 Q And then you approached her.

25 A That's correct.

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1 Q And after talking with her for a brief amount of time and
2 talking to your son and Mr. Espinoza, you basically said,
3 "Everybody, let's get out of here."

4 A That's right.

5 Q Okay. And did you leave?

6 A Yes. I left before anybody else did.

7 Q Okay. You left. Did the cocaine ever show back up over
8 at the Sheriff's Department?

9 A Everything -- well, you ask a good question. I believe --
10 I'm not sure. I believe the cocaine was taken over to ICE, I
11 think.

12 Q Right.

13 A I'm not sure about that.

14 Q And I think you're correct. I don't think the cocaine was
15 ever --

16 A Yeah.

17 Q -- taken to the Sheriff's Department.

18 A I think you're -- yeah, I believe the cocaine was taken
19 directly to ICE. Because as a matter of fact, I remember now,
20 I mean so much happened that morning. I believe I spoke to
21 Agent Champion I believe it was from ICE and everybody -- I
22 believe everybody went to ICE or the FBI with the cocaine and
23 transmitters. And somehow, unbeknown to me, because I thought
24 everything was going to the Sheriff's Office, but it got
25 diverted at some point. The lady and maybe the vehicle -- or

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1 maybe just the lady ended up at the Sheriff's Office, come to
2 think of it.

3 Q Did you ever speak with -- do you remember an Agent
4 Fattig?

5 A Who?

6 Q Lyle Fattig.

7 A Now, the first -- no, I don't. I might have. I spoke to
8 several. The first one I spoke to was Special Agent -- FBI
9 Special Agent Chris Lee. I called him immediately and told him
10 what was going on.

11 Q So I can figure out, what time of -- in all these events
12 did you first speak to Agent Chris Lee?

13 A It was -- I believe I called him either when I was in
14 route to the office or when I -- as soon as I got to the
15 office.

16 Q Okay. And what was the purpose of speaking to Mr. Lee?

17 A Because I needed the FBI assistance in this. I needed
18 their -- I needed to know what had happened just in case.

19 **THE COURT:** Well, why is that? I mean you don't
20 know -- I mean I thought you said when you show up to the scene
21 there's drugs. But why did you think I needed to call the FBI?

22 **THE WITNESS:** Well, first --

23 **THE COURT:** Her story was --

24 **THE WITNESS:** Well, they weren't the only ones I
25 called, your Honor. I often call DEA.

1 **THE COURT:** This is -- again, you're leaving the
2 scene. This is on your way back to the Sheriff's Office.

3 **THE WITNESS:** Yes. Yes, sir.

4 **THE COURT:** You're making calls on a cell phone?

5 **THE WITNESS:** Yes, sir. And not only the FBI, I also
6 called DEA. And I think I might have even spoken to -- I
7 forget who I -- if I didn't speak with ASAC Will Glasby
8 (phonetic), I spoke with -- I don't remember who at DEA I spoke
9 with.

10 **THE COURT:** And your purpose is to find out whose
11 transmitters these are?

12 **THE WITNESS:** No. The purpose was to tell them what
13 we had and that they needed to come to the office. Because if
14 it was the Sinaloa Cartel involved in this thing, we needed
15 some real help. If it was something else, well, we needed to
16 do something with it. And --

17 **THE COURT:** You already at that point deduced it was
18 either a sting on the Panama Unit --

19 **THE WITNESS:** Yeah.

20 **THE COURT:** -- or that it was some --

21 **THE WITNESS:** A legitimate --

22 **THE COURT:** -- federal operate -- some federal
23 operation that they happened to intercept?

24 **THE WITNESS:** Either one. Either one.

25 //

1 BY MR. STURGIS:

2 Q When did you finally realize that, in fact, it was the
3 sting operation? When did --

4 A When did I first realize that it was --

5 Q You were thinking it could be this, it could be that, it's
6 probably this. But at what point did you realize, okay, it is
7 this?

8 A When the FBI Assistant Agent in Charge and DEA Assistant
9 Agent in Charge and the FBI corruption unit supervisor came to
10 my office and told me exactly what was going on.

11 Q Okay. And what did -- and who was it, if you remember,
12 and what did they tell you?

13 A I can't -- Hector -- I can't think of Hector's last name.

14 Q He worked with FBI?

15 A He was either assistant official agent in charge -- and
16 he's transferred out now. It was Hector and then Will Glasby
17 and Minnie Perez (phonetic), who was in charge of the Task
18 Force who now is retired. And then they said, "Look, we've
19 been working a sting operation on the Panama Unit and your son,
20 and this is what we've been doing."

21 Q Okay. So they just told you.

22 A Yeah. They just told me right out, yeah.

23 Q And then as I understand it, and you testified earlier and
24 obviously that's changed a little bit, but you said, "Okay,
25 here, take the drugs; take the lady."

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1 A Yeah.

2 Q But obviously --

3 **THE COURT:** He didn't say take the drugs. He just
4 said the drugs never were there.5 **THE WITNESS:** Yeah.6 **MR. STURGIS:** Well, I think previously he testified
7 that he said --8 **THE WITNESS:** Yeah.9 **THE COURT:** At the scene.10 **MR. STURGIS:** -- take the drugs, take the lady. But
11 now, in fact, the drugs weren't there.12 **THE COURT:** Right.13 **THE WITNESS:** Actually, what --14 **THE COURT:** Now, why -- maybe I've missed a little
15 bit of this information, but at the scene I've heard two names
16 of people that were not Sheriff's deputies: Jonathan Trevino
17 and Alexis Espinoza.18 So how are you there ordering them to take the
19 cocaine to your office? These are not deputies that you have
20 any control over there.21 **THE WITNESS:** Yeah.22 **THE COURT:** One is a -- they're both Mission PD
23 officers. I guess --24 **THE WITNESS:** Because my sergeant was involved in
25 this. And the other Panama Unit's guys showed up, and my

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1 marked units were out there.

2 **THE COURT:** Right. So you had --3 **THE WITNESS:** And we were out there in county
4 jurisdiction.5 **THE COURT:** So you had other -- there were some
6 deputies that eventually showed up.7 **THE WITNESS:** Oh, absolutely, yes.8 **THE COURT:** All right, okay. I'm sorry, I didn't
9 mean to interrupt. Your last question if you could --10 **THE WITNESS:** What I was saying, Mr. Sturgis, was
11 that to be exact Hector -- I just want --12 **THE COURT:** We're talking about you had ordered
13 everybody to bring the cocaine --14 **THE WITNESS:** No, it's --15 **THE COURT:** -- and the woman to your office, but that
16 didn't happen.17 **THE WITNESS:** No, he asked me how I found -- how he
18 told me --19 **BY MR. STURGIS:**

20 Q Right. We had moved on to that.

21 A Yeah.

22 Q The question was in relation to the fact the cocaine was
23 never there. It was taken over --

24 A Right.

25 Q -- somewhere else. But the lady was taken away at that

1 time.

2 A That's what it was. Hector -- and I'm sorry to call him
3 Hector but I can't think of his last name. He tells me, "I
4 need the woman."

5 And I said, "Fine. Let me call somebody to go get
6 her."

7 He says, "No, we have three agents in the parking lot
8 ready to take custody of her."

9 I said, "Okay." So I called Sergeant Salinas, and I
10 said, "Take the lady to the front lobby and turn her over to
11 the FBI." And that's when they started breaking the news to
12 me.

13 Q And during this time that -- I guess before the FBI and
14 DEA showed up and then broke the news -- if I understand what
15 you testified earlier, that your son Jonathan was down there
16 interrogating the lady when -- during this time prior when she
17 got over to the Sheriff's Department at some point your son
18 showed up --

19 A Yes, that's right.

20 Q -- and went down to interrogate her.

21 A That's right. And when I found that out I called Sergeant
22 Salinas and I said, "Separate them." Because I had already
23 been told what was going on. Because Hector -- actually, the
24 FBI and DEA were under the impression that Jonathan was over
25 with the rest of the agents at ICE, which he wasn't. Because

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1 he followed the marked unit and the supervisor I believe to our
2 office. He broke off from them.

3 And as soon as I found out when the FBI advised me as
4 to what was going on, I immediately called the sergeant and I
5 said, "Where's Jonathan at?"

6 And they said, "He is interviewing or talking to the
7 lady."

8 And I said, "Immediately you separate them. You put
9 the lady in one room, put Jonathan in another room and you just
10 let them sit there until I tell you what to do with them."

11 Q Did you contact Mission that day and let them know what
12 you knew?

13 A I'm not sure if I did or not. I'm pretty sure that I did.
14 I think I did. I think I called -- it was then Chief Martin
15 Garza. And I told them we had a situation with the Sheriff's
16 Office and that I'd call him later to give him the details,
17 which I did.

18 Q And at this time you obviously know that Alexis Espinoza
19 is involved.

20 A That's right.

21 Q Did you -- and my understanding is that the now City of
22 Hidalgo's police chief, Rudy Espinoza, is his father; is that
23 correct?

24 A That's correct.

25 Q Did you call Mr. Espinoza?

1 A I don't believe that I did.

2 **THE COURT:** The father.

3 **BY MR. STURGIS:**

4 Q The father?

5 A I don't believe I -- I don't believe did.

6 Q And Mr. Espinoza used to work -- the father, used to work
7 for you?

8 A Yes.

9 Q From when to when did Mr. Rudy Espinoza work for you?

10 A In two different jobs. He has probably worked for me
11 close to -- close to 20 years maybe. And actually three
12 different jobs. And I supervised back in the late -- no, early
13 Nineties a street level drug task force and he was assigned
14 there when he was with the McAllen Police Department. So he
15 worked for me then. And then when we created the HIDTA Task
16 Force and I was supervisor of that or ran that for about
17 14 years, he worked for me there for about -- I actually hired
18 him -- maybe eight, nine years. I'm not really sure how long
19 it was. Maybe ten years. I'm not sure how long it was. And
20 then when I got elected sheriff I took him with me --

21 Q In 2005 he went --

22 A -- to the Sheriff's Office.

23 Q -- with you to the Sheriff's Office.

24 A Yeah. Yeah.

25 Q Or close to that --

1 A It's been a long time.

2 Q And I'm not sure, but was Mr. Espinoza ever in charge of
3 the Panama Unit?

4 A Oh, no. I don't think he was.

5 **THE COURT:** Senior or --

6 **MR. STURGIS:** Senior.

7 **THE COURT:** Senior, okay.

8 **BY MR. STURGIS:**

9 Q Rudy Espinoza, was he ever in charge of the Panama Unit?

10 A No. I don't think that he was, Mr. Sturgis. I know that
11 at one point Chief Espinoza was in charge -- he was the captain
12 over the tactical division at one point but I don't -- I don't
13 think he had anything to do with Panama; I don't think he did.

14 **THE COURT:** So he was with the Sheriff's Office at
15 the same time the Panama Unit had already been formed at your
16 direction.

17 **THE WITNESS:** I believe so.

18 **BY MR. STURGIS:**

19 Q And gathering from the fact that your son and his son have
20 known each other, been friends since they were real little and
21 you've been with Mr. Espinoza as a colleague for this many
22 years, I would assume that you would also consider your
23 relationship with Mr. Espinoza to be good friends.

24 A Yes. We've been very good friends for -- as a matter of
25 fact, even before that. When I was Austin PD he was McAllen PD

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1 and we exchanged information on narcotic dealers. I've
2 probably known him for over 30 some years.

3 Q I assume based on this that you would say his reputation
4 is one of being honest and of good character.

5 A Chief Espinoza?

6 Q Yes, sir.

7 A Of the very highest, Mr. Sturgis.

8 Q I want to go back a little bit because you were asked
9 about the July incident in Pharr.

10 A Okay.

11 Q The one where the jewelry --

12 A Yeah.

13 Q -- came up. How did you first learn about there being a
14 situation or a problem there? How did you first learn about
15 it?

16 A I don't remember how I first learned about it, but I'll
17 tell you what I did learn. And I don't remember who called me
18 on this. It might have been the Pharr Police Department
19 themselves that called me to tell me that there was some
20 jewelry missing from that particular home. And I started
21 asking questions and nobody knew anything about it.

22 Q When you were asking questions who --

23 A Of the supervisor, especially the supervisor. And nobody
24 knew anything about it.

25 Q And just so -- which supervisor? At Pharr --

1 A At that -- no, my supervisor at that time was Sergeant
2 Mendez. And he had no idea. Finally it somehow comes out that
3 Mr. Claudio Mata had the jewelry in possession. I'm sorry, he
4 had possession of the jewelry that was missing. So I called
5 him in and I said, "What did you do?"

6 Q Well, just going back a little.

7 A Yeah.

8 Q Were you aware that this all started as a drug situation?
9 Before the jewelry was ever started were you aware that it
10 involved cocaine?

11 A I found out about all of it at the same time. I didn't
12 even know they were out there in Pharr until everything broke.

13 Q And by "Pharr" they, you mean --

14 A The Panama --

15 Q -- the Panama --

16 A I'm sorry, the Panama Unit, right.

17 Q And you don't know -- at that time I'm taking it you don't
18 know which members are out there. You know, maybe not all
19 Panama Unit is out there on a given time.

20 A Right, exactly. I have no idea who was out there.

21 Q And you don't remember who told you or how you found out
22 that there was a problem?

23 A No, I don't. And it might have been the Pharr Police
24 Department that called me or maybe the Chief called me himself.

25 Q And who would the Chief have been?

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1 A Chief Ruben Villegas.

2 Q If that --

3 A Yeah.

4 Q -- whoever it is that contacted you, what did you do in
5 response to that?

6 A I tried to find out if, in fact, there was jewelry missing
7 and I called the sergeant in.

8 Q So during this time you may have learned that there was
9 narcotics. You definitely learned about a jewelry --

10 A Yeah.

11 Q -- situation. What did you do when you found out? What
12 was the next thing you did?

13 A The next thing I did when -- once I found out that Claudio
14 Mata, who was a member of the Panama Unit and one of my former
15 deputies, had the jewelry in his possession, I called him in.

16 Q How did you find out he had the jewelry?

17 A I keep forget -- I don't remember exactly who was the one
18 that told me. But somebody in the conversation -- somebody
19 said Claudio took custody of the jewelry.

20 Q So your indication was that Mr. Mata took custody as like
21 evidence?

22 A Well, that's what I was trying to find out; was he trying
23 to steal it or was he actually keeping it as evidence? And
24 that's when we initiated our internal affairs and a criminal
25 investigation into Claudio Mata and that particular piece of

1 jewelry.

2 **THE COURT:** How many days or after the event was it
3 that this was brought to your attention?

4 **THE WITNESS:** I believe it was that very next
5 morning, your Honor.

6 **THE COURT:** Okay.

7 **THE WITNESS:** If not that same afternoon, the very
8 next morning. It was almost immediate.

9 **THE COURT:** Of the incident where they did the raid
10 on the Pharr home.

11 **THE WITNESS:** That's correct.

12 **THE COURT:** All right.

13 **BY MR. STURGIS:**

14 Q That day did -- when you first found out did you send
15 Commander Joe Padilla over to Pharr?

16 A I sent somebody. It might have been -- it might have been
17 Joe Padilla because of his brother being the Assistant Chief
18 there. And there would have been a relationship and been able
19 to get reports and get to the stuff very quickly. But I spoke
20 to the Chief personally so if I -- all I had to do -- I could
21 have sent anybody.

22 Q Right. So you did speak to Mr. Villegas. I guess he's
23 the one that contacted you and said --

24 A Right.

25 Q -- we have an incident, we have a problem.

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1 A Right.

2 Q Was there a point in this that they were trying to
3 identify -- do you remember this whether or not there was a
4 point where they were trying to identify who, in fact, it was
5 that had raided the house, whether it was Panama or somebody
6 else? Do you remember being contacted in trying -- with Pharr
7 to figure out who, in fact, it was there that day?

8 A I don't remember that that came up.

9 Q Now, you get contacted by Chief Villescas, you know, and
10 given the information. You said that you contacted the
11 sergeant to find out what was going on.

12 In this time, Mr. Trevino, did you contact or have
13 communications with your son Jonathan about what was going on?

14 A I believe I did call Jonathan if I think about it. I
15 called Jonathan and said, "What is going on? What's going on
16 here?"

17 And he says, "Dad, I don't know anything about any
18 jewelry. I don't know anything about it at all."

19 Q Did he tell you that, in fact, they had been at the house
20 and that there was a drug investigation? He did tell you that
21 part.

22 A Yes, yes, he did.

23 Q Okay. But he told you, "I don't know anything about any
24 jewelry."

25 A He says, "I don't know anything about any jewelry

1 whatsoever."

2 Q Do you know whether or not he took any steps to try to
3 find out if jewelry had been taken or was missing?

4 A I believe he did and -- because I had asked -- I asked
5 everybody, "Does anybody know anything about any jewelry?" And
6 somebody in the group identified -- and I don't remember if it
7 was Jonathan or it could have been Alexis -- somebody in the
8 group identified Claudio as being the one that seized that
9 jewelry, that had taken it from the house.

10 **THE COURT:** Is it jewelry or jewelry and cologne?
11 I've heard it both --

12 **MR. STURGIS:** Do you know --

13 **THE WITNESS:** I don't know about any cologne.

14 **THE COURT:** Okay.

15 **THE WITNESS:** I know about jewelry. I don't know
16 about any cologne.

17 **BY MR. STURGIS:**

18 Q You said that it had been seized or taken.

19 A Or taken, yeah.

20 Q Okay. At this time what are they telling you, that it had
21 been seized? Because obviously seized, you know, it will be
22 taken into evidence or whatever. Taken can mean, okay, they're
23 not entering it into evidence. At this point are they telling
24 you that it had been seized as evidence?

25 A I don't know if they said the word seized. I used that

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1 because that's the word I used.

2 Q Okay.

3 A I might have misspoken. I was told that Claudio was in
4 possession of the jewelry. Now, I don't know if they said he
5 seized it or he took it. I know that he was in possession of
6 it and he was the one that had taken it, physically got a hold
7 of it and taken it from her.

8 Q Okay. So what did you do when you found out that Mr. Mata
9 was the one that was in possession of it?

10 A I called him in. I said, "Do you have the jewelry with
11 you?"

12 He said, "Yes, sir, I do."

13 I said, "What are you thinking? What are you doing?"
14 And then at that point he said, "I've got the
15 jewelry."

16 I said, "Well, I'm not going to speak with you
17 anymore."

18 We called Internal Affairs and the Criminal
19 Investigation Division. We put him on leave and we conducted
20 two investigations. We conducted an internal affairs
21 investigation and we conducted a theft criminal investigation.

22 Q So you conducted a theft criminal investigation on
23 Mr. Mata?

24 A Yes.

25 Q Okay. And then an internal administrative --

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1 A That's right.

2 Q The criminal investigation I assume is what you determined
3 that you spoke to the Assistant DA, Mary Moore (phonetic),
4 about.

5 A That's correct. Well, I didn't personally. The
6 investigators took the facts of the case to her and said, "This
7 is what we have. Will you prosecute him for theft?"

8 And she says, "We can't do that." And her reasoning
9 was that there was no way that the state could prove that he in
10 any way tried to convert that -- the jewelry for his own use
11 over the use of others. Because all the evidence showed that
12 he had that jewelry I believe in a paper sack in his car or his
13 truck, whatever vehicle he was driving. And we couldn't prove
14 either way that he -- he didn't melt it, he didn't sell it, he
15 didn't pawn it. He just kept it there. And Mary Moore -- or
16 the Assistant D.A. said that there was no way she could
17 prosecute something like that.

18 Q But not -- as I gather, these are your internal affairs
19 investigation you're talking -- you weren't --

20 A No, they --

21 Q That's what they're reporting to you.

22 A Sir, that's -- no, that's the second investigation.
23 That's my theft investigation.

24 Q Okay. Who was speaking to ADA Mary Moore? It wasn't you,
25 you said.

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1 A It was not me. It was our criminal investigators.

2 Q And who was that?

3 A I don't remember who it was. I'd have to look at the
4 report to see who actually conducted that investigation.

5 Q Okay. And they reported back to you that this is what she
6 had stated.

7 A Through the command staff, yes.

8 Q And then the internal affairs investigation continued on
9 the site.

10 A That's correct.

11 Q And was Mr. Mata punished in any way?

12 A Yes, he was.

13 Q And how was he punished?

14 A He was given time off without pay. So he was suspended
15 without pay for failing to follow our protocols in the chain of
16 custody of evidence. Because actually that's all that we had.

17 Q Okay. So he was given time off without pay --

18 A Right.

19 Q -- for doing what? Exactly what was it?

20 A For failing to follow our chain of custody evidence of
21 protocols of --

22 Q Which would be what?

23 A Which would -- if you go to a crime scene and you seize
24 evidence, you report it to the supervisor, you mark it on a
25 tag, you put it in a bag, you take it into the evidence room

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1 and follow the chain of custody of the evidence. And he failed
2 to do that.

3 Q Did Mr. Mata ever tell you what his intentions were,
4 whether or not he was going to steal the jewelry or what had
5 happened?

6 A I asked him that. I did ask him. I said, I said -- I
7 think I said, "What are you doing? I mean what's going through
8 your head?" I said, "Were you going to steal this or what were
9 you going to do with this?"

10 Q How did he respond --

11 A And he looked at me and he kind of shrugged his shoulders
12 and he -- I don't know if he said "yes" or "no" or just
13 shrugged his shoulders. And I said -- at that point, you know,
14 I'm now interrogating somebody. I said -- at that point I
15 stopped it and I said, "We're going to hold two investigations
16 and I'm calling in criminal investigators and Internal
17 Affairs."

18 Q Why would you stop it if -- I mean it's obviously your
19 employee. I mean --

20 A Yeah.

21 Q -- that's what -- it's your employee. He may have just
22 stolen something --

23 A Right.

24 Q -- while on the job. I assume everybody is going to
25 expect -- well, you're going to want an answer. What were you

1 doing with this --

2 A Well I --

3 Q -- if he did answer --

4 A As a head of the department I did not want to introduce
5 myself into the investigation, because I've got to make the
6 ultimate decision of what to do with him.

7 Q Well, wouldn't you -- wouldn't you have done that prior --
8 wouldn't you -- if you didn't want to be a part of it just let
9 everybody -- wouldn't you have had him go over and talk to the
10 internal affairs person right away rather than you talking to
11 him?

12 A That could have been one way I could have handled it. I
13 could have done that.

14 Q Did he ever make a statement to you in regards to what he
15 was doing with the jewelry? I know you said he shrugged his
16 shoulders, but did he ever say, "Yeah, I was going to steal it;
17 I did wrong"?

18 A You know, Mr. Sturgis, he might have said that. He might
19 have said that. That's when I put a stop to it. And I put a
20 stop immediately to it and I said, "At this point we're going
21 to conduct a criminal investigation and an internal affairs
22 investigation."

23 Q Did he receive any instruction on what to do with the
24 jewelry, to your knowledge?

25 A You mean after he admitted to having it?

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1 Q Yes, sir.

2 A Well, I would imagine somebody at some point told him
3 you're going to have to process it and process the jewelry,
4 turn it in and go through the regular procedure.

5 Q This is occurring at the Sheriff's Department --

6 A That's correct.

7 Q -- correct?

8 A That's correct.

9 Q Did you see the jewelry?

10 A No, never --

11 Q You never saw the jewelry.

12 A I never saw it.

13 Q Okay. His processing then -- obviously if you're
14 conducting an investigation, as you said, at that time you got
15 a criminal investigation going and an internal affairs going.16 Was that jewelry taken in as possible evidence on you
17 all's criminal investigation?18 A Yes. Well, it was taken into evidence by the Mission
19 Police Department; it was given to them. And they were to hold
20 it until we had completed our entire investigation.

21 Q Why was it taken to Mission?

22 A Because that's where the case -- all the cases were filed
23 and they took it to Mission. We knew it was going to be in
24 their custody. Whoever needed it for prosecution we knew where
25 it would go. The instructions to Mission were, you know, you

1 do not release this jewelry until the District Attorney says
2 that you can release it.

3 Q Okay. But I'm confused. Why was it taken to Mission if
4 at that time you're conducting a theft investigation? It would
5 be evidence of the theft.

6 A Right.

7 Q So if the Sheriff's Department is conducting the
8 investigation and obviously Panama is tied to this, Mission
9 wouldn't be conducting any of it.

10 A Right.

11 Q I guess the only other logical place would have been
12 either the Sheriff's Department or Pharr PD, since that's where
13 the crime originally occurred. So why would it go to
14 Mission?

15 A You're right. And I have no idea why it went to Mission.
16 That's where they ended up. I don't think it was by -- there
17 was a reason for it, I mean a specific reason. It just ended
18 up in the Mission evidence room where Mission kept it.

19 Q And at this time -- if I got it right, this time you are
20 still unaware of the narcotic investigation that's going on
21 with Pharr and the Perezes and all that that happened at --

22 A That's right. Mission was -- I mean Pharr PD was taking
23 care of all that.

24 Q At any time did you learn that there was an investigation
25 going on over there in regards to cocaine and such? At some

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1 point did you learn that?

2 A After the fact, right. Is that what you're asking me?

3 Q Well, yeah, obviously --

4 A Yeah, after the fact of course I knew. Before the fact I
5 did not.

6 Q Okay. Did you after the fact ever talk to Police Chief
7 Mr. -- Police Chief Villescas about this investigation what was
8 going on with Pharr as far as checking into this and --

9 A I don't -- we spoke several times and he said that they
10 were going to investigate it; that's fine. At some point he
11 even said I think maybe you all should take this. And I said,
12 "No, it happened in Pharr. I think you need to do so."

13 And they took off with it and I believe they must
14 have turned everything over to the federal people. Because I
15 don't know what the outcome of that investigation was.

16 Q During this investigation obviously that you have the
17 jewelry going on, were any of the other members -- because I'm
18 sure at some point you learn, okay, Panama is out there; the
19 various members of Panama are involved in this -- were each of
20 the members of the Panama Unit that were involved in it were
21 they interviewed by your office, you know; okay, what happened
22 this day, what took place?

23 A I'm sure -- I have not seen the file since it occurred,
24 but I am sure -- I'm almost sure that our internal affairs
25 investigators interviewed everybody that was involved or had

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1 anything to do with it.

2 Q Do you know which investigator that was?

3 A I do not, sir.

4 Q Okay. But there should be a file on all that, correct?

5 A There definitely is a file, yeah.

6 Q When Panama was originated, as you said, it was designed
7 to help Mission, correct?

8 A Right.

9 Q And then you said their duties are going to be Mission;
10 they may move west towards La Joya and all that area. But
11 that's where it was designed.

12 A That was the original intent.

13 Q When you find out in July that obviously Panama is over
14 here in Pharr doing something, you know, they're hitting a
15 house here in Pharr and maybe -- you know, do you know whether
16 or not the supervisor was there on that day on the El Dora
17 (phonetic) Road thing in Pharr? Do you--

18 A I don't know that he was. But I do remember calling him
19 in and reminding him what my instructions were, that they
20 needed to stay in the Mission area. And I think their excuse
21 was that the informant -- or they developed the information on
22 the west side and it led them to Pharr, which is not uncommon.

23 Q And this was Sergeant Mendez telling you this; is that --

24 A It had to have been him. I mean he was the supervisor.
25 If he was the one that gave me the follow-up on it, yes, sir.

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1 Q And did you instruct Sergeant Mendez to remind the guys,
2 tell the guys, "Hey, we're supposed to be doing west stuff over
3 here"? You know, if something developed, obviously, as you're
4 well aware of, if they developed information, it would be
5 common for them to call Pharr. If they work over here and they
6 get some information about Pharr, it would be common for them
7 to call the Pharr narcotics guys and say, "Hey, we got this
8 information; you guys want to run with it."

9 A Our policy was this, that if you're going to hit -- if you
10 hit a house outside the city of Mission or wherever you're at,
11 you will call that police department and let them know exactly
12 what you're doing. Either right before you hit it or when you
13 hit it, you know. And that is one of our rules.

14 But obviously, Mr. Sturgis, we all agree here that
15 the Panama Unit was completely rogue. They went off on their
16 own. They weren't even telling their own supervisor what they
17 were doing, and that was the problem. The supervisor was in
18 the cold most of the time.

19 **MR. STURGIS:** Judge, may we approach?

20 **THE COURT:** Why don't we take our noon recess and we
21 can talk about this after I release the jury.

22 All right. If you'll be back at 1:30 and if you'll
23 take your notepads with you. Don't talk about the case with
24 anybody, et cetera.

25 All right. The jury is excused until 1:30.

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1 **THE CLERK:** All rise for the jury.

2 **(Jurors exit courtroom at 11:50 a.m.)**

3 **(Portion of transcript and sealed bench conference from**
4 **11:50:32 to 11:51:37 a.m. is omitted)**

5 **(A recess was taken from 11:51 a.m. to 1:31 p.m.)**

6 **(Portion of transcript and sealed bench conference from**
7 **1:31 to 1:39 p.m. is omitted)**

8 **THE CLERK:** All rise for the jury.

9 **(Jurors enter courtroom at 1:39 p.m.)**

10 **THE COURT:** Good afternoon. Please be seated. All
11 right, Sheriff Trevino, if you could resume your seat.

12 **(Pause)**

13 Yes. And Mr. Sturgis, whenever you're ready you may
14 continue and finish up your questioning.

15 **MR. STURGIS:** Thank you.

16 **CROSS EXAMINATION (CONTINUED)**

17 **BY MR. STURGIS:**

18 Q Sheriff Trevino, you were asked a bunch of questions about
19 campaigns and contributions and all that. And my understanding
20 is you have people that are doing the campaign financing and
21 administrative stuff separate from yourself; is that correct?

22 A For the most part, yes, sir.

23 Q Who is it that -- do you do the accounting on your
24 campaign or does someone else take in the money and all that
25 stuff?

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1 A Actually, the money is turned in either to me or to the
2 treasurer. But I am ultimately responsible for signing the
3 final report.

4 Q And who is the treasurer?

5 A The treasurer is Pat Medina.

6 Q Am I correct she works at the Sheriff's Office?

7 A That's right.

8 Q Okay. And essentially if I have it right, whoever may
9 bring in monies from whichever contributor, those monies would
10 be handed to her, she does an accounting, and then I guess
11 gives it to you to oversee it?

12 A One way or the other. They give it to me, I give it to
13 her, she gets it from me, I'll get it to her, then they give it
14 to me. I sign off on it and then we make a deposit.

15 Q You were also asked about -- a number of questions about
16 Miguel Flores.

17 A Right.

18 Q And you stated you know who he is.

19 A Yes.

20 Q Were you aware of who he is prior to the incident where
21 apparently there was some allegations of misconduct? Did you
22 know who he was?

23 A No, I had no idea who he was.

24 Q Okay.

25 A Well, no, that's not accurate. I knew he was my deputy.

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1 Okay.

2 Q Okay.

3 A And I knew he was assigned to narcotics. But I didn't
4 know him personally or never heard of him.

5 Q Okay. You may have heard the name or whatever --

6 A Right.

7 Q -- as a person there but you didn't know the person.

8 A Right.

9 Q Okay. And if I understood right, the first time you heard
10 of this person in a personal capacity was from your son.11 A Actually, one of the sergeants that I was thinking of
12 moving into the Panama Unit to make a switch -- I was going to
13 make an all around -- I was going to probably make an all
14 around switch of personnel -- he suggested to me that we
15 should -- that he -- he said "If I take the sergeant position,
16 will you allow me to take somebody with me?"

17 And I said, "Who is this?"

18 And he said, "It's Miguel Flores."

19 I said, "What do you know about him?"

20 He said, "He's a good guy. He's a good guy and I
21 trust him. I work with him."22 I said, "Fine. If that's what you want, that's
23 okay."

24 Q And who was the sergeant that you were talking to?

25 A Sergeant C.J. Rivera.

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1 Q And I guess that ultimately did not happen?

2 A That did not happen. That's right.

3 Q And this was prior to your son calling you saying this had
4 happened.

5 A That's right.

6 Q Because obviously if you got these allegations, you sure
7 wouldn't consider moving him into the Panama Unit.

8 A That's correct.

9 Q Okay. And I think you testified that your son called you
10 and told you that he, and I guess the other maybe members of
11 Panama, has come across information that Mr. Flores may be
12 stealing drugs or money and that they were going to conduct or
13 had been starting to conduct an investigation to Mr. Flores.
14 And you were upset because they weren't following the chain of
15 command on how to do that.

16 A That's correct.

17 Q So it wouldn't have been their job, their duties, to
18 investigate Mr. Flores.

19 A No.

20 Q That would have been passed on to someone else.

21 A That's right.

22 Q And I'm assuming Internal Affairs.

23 A It could have been, yeah.

24 Q And if I understand in the end, there was an internal
25 affairs investigation?

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1 A That's correct.

2 Q And they found no wrongdoing?

3 A We found no criminal wrongdoing on Mr. Flores' part.

4 Q Okay. But there was some wrongdoing.

5 A Administrative. He did not follow proper protocol. It's
6 administrative wrongdoing.

7 Q Okay. What was it that he did wrong?

8 A Well, it's --

9 Q That he was cited for doing wrong.

10 A It is our policy that if a member of our -- of any of our
11 units comes across information that requires surveillance or an
12 undercover operation, something where you would have to have an
13 operational plan, that you would go through your chain of
14 command so that we can set things up the right way.15 Q Okay. And is it normal policy for the deputy and such
16 there to have operational plans? Is that something that's
17 normally done?18 A Operational plans are done on every operation that we
19 conduct, whether it's a narcotic operation or a homicide,
20 whatever it is. If it's a police operation, we have an
21 operational plan.

22 Q Okay. And that's what he was cited for.

23 A Yes.

24 Q And as I guess punishment for not following the policy,
25 what was given to Mr. Flores?

1 A Either a verbal or written reprimand. And he was --
2 that's when I had the talk with him and we put him back on
3 uniform.

4 Q Where was he at the time before he was put in uniform?

5 A He was in narcotics.

6 Q He was in narcotics.

7 A Yes, sir.

8 Q Okay. And then he was put back on patrol.

9 A That's right.

10 Q Okay. And I think it was described that he was basically
11 a really good hard worker, maybe just too young, too driven.

12 A That's the way I saw him and exactly what I told him.

13 Q Did anybody describe -- did Mr. Flores describe how he
14 had -- at the time did he describe how he had gotten involved
15 in this entire deal?

16 A No, sir. And even if he did it's going to be in the
17 Internal Affairs' file.

18 Q Did he ever tell you that he was involved in this scenario
19 where somebody was trying to rip off a bunch of money from
20 people that were allegedly drug dealers?

21 A No, sir, he did not.

22 Q Did you ever receive that information from anybody?

23 A Other than initially from Duran and Arguello that that's
24 what they were trying to do. That's what he was asking them to
25 do through a third party.

1 Q Okay. So from Mr. Arguello's point what was it that
2 Mr. Flores was supposedly trying to do?

3 A What Mr. Flores was supposedly trying to do was get Sal
4 Arguello and Duran to meet with two individuals that he passed
5 them -- I think Mr. Flores passed them off as relatives, that
6 they had a house located that had either a lot of money or a
7 lot of drugs in that particular location; and that they wanted
8 to go do the -- or do a, I guess a home invasion or whatever
9 you want to call it.

10 Q Steal the money or drugs.

11 A Yeah, steal the money or steal the drugs, whichever one it
12 was. And I understand they meet; everybody meets. But then
13 Miguel Flores goes to a part-time job and leaves Arguello and
14 Sal -- I'm sorry -- Arguello and Duran with those two other
15 individuals. And they go off and they actually -- they spot a
16 house. And they look at it and then they come back, and I
17 think Arguello tells them, "We don't want to do this. This is
18 not right. There is something wrong with this and we don't
19 want to do this."

20 And I believe that's -- I forgot -- that's when I
21 find out about it after all of that transpired.

22 Q And this is what Mr. Arguello told you had happened in a
23 sequence of events --

24 A In an affidavit form, yes, sir.

25 Q Okay. And then did you also speak with Mr. Duran?

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1 A He told me basically the same thing.

2 Q Okay. He told you the same thing.

3 A Yeah.

4 Q At any time in this did they mention that in some form or
5 fashion they were talking to your son?

6 A Yes. Yes, they did.

7 Q And what did they say about that?

8 A That they called Jonathan about it, and Jonathan said,
9 "Well, go meet the guy and see what he's got." They went to go
10 meet him and that's I believe that's -- and I'm not sure of the
11 timeframe there, but at some point Jonathan calls me and tells
12 me what he had already done. And that's what upset me.

13 Q And what was it that he had done that upset you?

14 A He had -- I guess Duran and -- I'm guessing here -- I
15 think I'm guessing Duran --

16 Q Well, I guess what did he tell you -- what did he tell --

17 A Okay. He told me that Duran and Arguello had called him
18 to tell him about this. And then he said, "Well, go take a
19 look at it and then we'll see what we can do with it." And
20 that's -- at some point after that he calls to tell me that we
21 have a bad deputy that we have to do something with it. And
22 that's when I called Arguello and Duran and said, "What is
23 going on?"

24 Q Why did -- did your son tell you why he thought that you
25 had a bad deputy amongst you?

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1 A Yes, he did tell me. He said because he had approached
2 Duran and Arguello to go do this.

3 Q Do you know why it was that Duran or Mr. Arguello both
4 contacted your son about this?

5 A No. I don't know why they did that.

6 Q Because as I understand it, the next step either for them,
7 even though they're not in that category of internal
8 investigations, would have been to call their sergeant when --

9 A Yes, it would have.

10 Q Is that the normal --

11 A That should have been one thing to do, you're right. And
12 that's what upset me about that whole thing.

13 Q Because it wouldn't make much sense for them to contact
14 your son --

15 A That's right.

16 Q -- just another member as they are.

17 A Exactly.

18 Q Okay.

19 A You're right.

20 Q But apparently he took the extra steps there.

21 A Right.

22 Q Now, during all of this time you were unaware of what
23 Mr. Guerra, what Mr. Flores -- that being J.P. Flores -- what
24 Mr. Rodriguez, Fabian, and all that what was going on as far as
25 their dealings with the Guerras; is that correct?

1 A That's correct, Mr. Sturgis. I had actually no idea of
2 their illegal activities.

3 Q And I think that you stated -- and I want to make sure
4 I've got this right -- you stated earlier that the first time
5 that you had heard about the Guerras was on 12-12-12. I think
6 that's what you stated.

7 A Yeah, I believe that was the first time I actually found
8 out who they were. I knew that there was a trucking firm on
9 2812. As a matter of fact, when I testified about this, a
10 campaign operative had called me to tell me that he had rumors
11 in the Elsa area about Fabian. You know, I might have assumed
12 it was Astro. But I do remember one thing that he said that
13 there was bad guys that operated out of 2812. And with all the
14 testimony and all, maybe I assumed it was Astro Trucking. But
15 I had absolutely no idea who the Guerras were, by name or
16 description. Even when they showed me the photos I had no idea
17 who they were.

18 Q Okay. And when this person told you it was 2812 --

19 A Yeah.

20 Q -- was it at that time that you assumed the Guerras or you
21 had not --

22 (Voices overlapping)

23 A I didn't know who the Guerras --

24 Q -- somewhere that was on 2812.

25 A Right, exactly. Just 2812, yeah.

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1 Q How is it that on December the 12th of 2012 that the
2 Guerras came up? How did they --

3 A On when?

4 Q On December the 12th of 2012, how did the name Fernando
5 Guerras or --

6 A Oh.

7 Q -- any of the Guerras, how did they come up? How did
8 that --

9 A I don't know if they -- I don't know if they did come up
10 after that date. I'm using that date as a reference because
11 that's when everything busted out. I mean I didn't know who
12 the Guerras were until -- I guess I should have said after
13 12-12 of 12. I mean I don't believe the Guerras -- I didn't
14 know the Guerras name or who they were on that particular date.
15 It was after sometime during this whole investigation when the
16 names come up.

17 Q And did you learn it by just basically the charges or did
18 someone talk to you about the Guerras? If you remember.

19 A I guess the charges and people talking about it, yeah.

20 Q Had you heard -- without knowing who they were, had you
21 heard of, probably most likely Fernando Guerra, Sr., that name
22 before aside from 2812 or --

23 A No, sir. No. I don't ever remember anybody talking to me
24 about that particular name. And if they had, it didn't -- it
25 meant nothing to me, yeah.

1 Q Okay. And the reason I ask this is because, if I
2 understand right, Fernando Guerra, Sr. had a shootout, I guess
3 for the lack of a better word, where he was shot on his ranch
4 outside of Hargill. So I didn't know if you were aware of that
5 or not.

6 A Oh, okay. I do know -- I believe that occurred in Willacy
7 County.

8 Q Correct.

9 A Yeah, that occurred in Willacy County. And I do remember
10 that Julio Davila called to tell me that these guys had been
11 shot. And I said, "Well, have you called the deputies?" And
12 he said, "Well, it happened in Willacy County." And I said,
13 "Well, you need to call Willacy County and have them take care
14 of it."

15 And I believe he mentioned -- I don't know that he
16 mentioned a name, to be real honest with you. But I do not
17 believe he said Astro Trucking. So I think it -- I said,
18 "Well, call the station and make your call to 911 and then call
19 Willacy County." And that's the last I heard about it.

20 Q Okay. And was that your only dealing with Julio Davila
21 and if he mentioned Fernando Guerra, Sr. -- like you said, he
22 may have not mentioned the name, but would that have been your
23 only dealing with Julio Davila in connection with Fernando
24 Guerra, Sr. at any time I guess?

25 A Not knowing who Fernando Guerra, Sr. was --

1 Q Correct.

2 A -- other than at one time that Ms. Gutierrez asked me
3 about some weapons being released. And I remember him
4 saying -- I don't remember if he actually said Fernando Guerra,
5 but I just -- I'm assuming that that's who he had to have been
6 talking about; that I didn't want to -- I mean I didn't want to
7 have to deal with that. I didn't have time to start off with.
8 And I said, "You need to call people in criminal investigations
9 and send them off over there," and they took care of it. And I
10 have no idea what happened to that case.

11 Q You didn't pay attention to --

12 A No, not at all.

13 Q Okay. But Mr. Davila contacted you I guess in regards to
14 these guns, and you said, well, contact these people.

15 A Right.

16 Q Okay. Aside from that deal, is that the only time that
17 Julio Davila ever mentioned Fernando Guerra, Sr. or Fernando
18 Guerra had had any dealings with you?

19 A I believe so, Mr. Sturgis.

20 Q If he provided monies to Mr. Padilla or to anybody else in
21 your campaign, you were unaware of who the money was coming
22 from.

23 A That's correct.

24 Q Okay. So any other money you wouldn't have had -- you
25 wouldn't have any knowledge of. I mean whether it happened or

1 not, maybe but --

2 A Whether it happened or not I don't know. And if it did
3 happen, I had no knowledge of it whatsoever.

4 Q Okay. So nothing else with Fernando Guerra as far as you
5 know.

6 A That's correct.

7 Q Okay. So if Fernando Guerrero and Fabian Rodriguez and
8 J.P. Flores were doing these things, you didn't know about it.

9 A That's absolutely correct. I had absolutely no knowledge
10 of their illegal activities.

11 Q And in regards to Mr. Garza, you knew him for a long time
12 or have known him for a long time?

13 A I've known Mr. Garza for the last nine years as a deputy,
14 and I might have met him before that. And I've known his
15 family for quite a long time.

16 Q Okay. And you didn't keep direct supervision over him; is
17 that correct?

18 A That's correct.

19 Q And as I understand it, where he was in civil process,
20 that ultimately falls under Mr. Padilla.

21 A You're correct.

22 Q Okay. Do you know whether or not there was another
23 supervisor between Mr. Garza and Mr. Padilla?

24 A There was at one time. Lieutenant Fidel Jasso.

25 Q Jasso?

1 A Fidel Jasso. And we transferred him out, which is very
2 recently we've put in another supervisor, Connie -- Sergeant
3 Connie Covarrubias as a sergeant of that unit.

4 Q And when did Ms. Covarrubias come in as -- roughly come in
5 as the sergeant?

6 A Connie came in approximately maybe a month-and-a-half ago
7 maybe. Two months ago.

8 Q So very recently.

9 A Very recently.

10 Q So more recent than when Mr. Garza was working there.

11 A That's correct.

12 Q Okay. So at the time that we're talking about, Mr. Garza
13 and Mr. Flores and the Guerras doing these illegal acts,
14 Ms. Covarrubias wasn't there.

15 A She was but she was also of equal rank. And then very
16 recently we promoted her to sergeant and placed her immediately
17 in charge of that unit.

18 Q And is she -- so it would go from the civil process
19 deputy, which Mr. Garza was, to Ms. Covarrubias to Mr. Padilla
20 in that chain.

21 A We've had changes, Mr. Sturgis. And we have to talk a
22 timeline here, because we've had a lot of command staff
23 changes. Now it goes from Connie -- Sergeant Covarrubias to a
24 lieutenant. Well, it went to a lieutenant. He's not with us
25 anymore. From there it went to Captain Herrera; from Captain

1 Herrera it went to Mr. Padilla.

2 At one time when there was less responsibilities for
3 the command staff, Mr. Garza was supervised directly by
4 Lieutenant Jasso. Once we removed Lieutenant Jasso then he
5 became directly supervised by Commander Padilla. But we've had
6 a lot of changes within the last year-and-a-half.

7 Q Going back prior to that, you wouldn't have had I mean a
8 daily supervision of Mr. Garza.

9 A Oh, no. No, sir.

10 Q You wouldn't have known where he was at any given time
11 particularly after duty hours.

12 A Yes, sir, you're right.

13 Q And to your knowledge do the commanders or direct
14 supervisors have any knowledge as to what the personnel may be
15 doing off duty?

16 A Off duty?

17 Q Yes.

18 A I don't see how. I don't see how the supervisors --
19 unless they were intimately involved with each other or very
20 good friends. Other than that I just don't see how they could
21 keep track of their people off duty.

22 **MR. STURGIS:** I pass the witness, your Honor.

23 **THE COURT:** All right. Any redirect?

24 **MS. GUTIERREZ:** Yes, your Honor.

25 //

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1 **REDIRECT EXAMINATION**2 **BY MS. GUTIERREZ:**

3 Q Sheriff Trevino.

4 A Yes, ma'am.

5 Q In all the years that you've been sheriff here in Hidalgo
6 County you've never had a shootout with the Sinaloa Cartel when
7 you seized drugs; isn't that correct?8 A In the nine years we've never had a shootout with the
9 Sinaloa Cartel. You're absolutely correct.10 Q So why did you think that there was a safety issue on
11 December 12th, 2012 when there was a seizure of cocaine that
12 you felt it was necessary to move the entire sting --

13 A Yeah.

14 Q -- over to the Sheriff's Office?

15 A Because that's what the lady, who was just completely
16 hysterical, was telling me. She said, "I am scared for my
17 life. They're going to kill me. This stuff belongs to the
18 Sinaloa Cartel. I'm going to get hurt." And she just kept
19 going on and on and on and she just wouldn't get off that. And
20 that's the decision that I made at that time, because that's
21 all I had to make it with.22 Q You've been in law enforcement for a long time by your own
23 testimony, correct?

24 A Yes, ma'am.

25 Q And you would agree with me that people who are busted

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1 doing criminal activity can make outlandish allegations in
2 order to (indiscernible) to them, correct?

3 A Yes, ma'am.

4 Q So that could have been the possibility in that case,
5 correct?

6 A Yes, ma'am.

7 Q As far as that incident you testified that Jonathan went
8 to the Sheriff's Office when the other officers went to ICE,
9 correct?

10 A That's right.

11 Q You ordered Jonathan to follow you to the Sheriff's
12 Office, correct?

13 A No, that's not correct. I never testified to that.

14 Q I'm asking you.

15 A No, I did not order him. I left -- I gave him
16 instructions and then I left and I didn't see them for another
17 30, maybe 45 minutes by the time they cleaned up the scene and
18 everybody got out of there. And that's when I find when --
19 that's when the federal contingency meets me at my office and
20 tells me what they're doing. Even the federal people thought
21 that Jonathan was over at the federal building. And I said,
22 "No he's not; he's here."

23 Q Isn't it true though that you told Jonathan that you
24 wanted the female, the drugs, all moved to the Sheriff's
25 Office?

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1 A No, I did not give Jonathan a direct order. I gave a
2 direct order to the sergeant at the crime scene, which is
3 Sergeant Rudy Salinas, to remove everything and get out of
4 there as quick as possible and meet at the Sheriff's Office.
5 That's when I contacted the federal authorities. The federal
6 authorities then obviously got back with probably Alexis
7 Espinoza, whose was working for ICE at the time as a task force
8 agent, and told him bring the drugs and the transmitters over
9 to the ICE office or the HSI office. That's probably what
10 happened.

11 Q And so you're guessing as to what may have happened
12 with --

13 A Well, that's the only thing that could have happened.
14 Because I gave him a direct order, and then he just split two
15 different ways so -- and I already talked to the federal
16 people. And that's probably what happened.

17 Q Okay. Isn't it true though that you testified earlier
18 that there were no sergeants or supervisors on the scene and
19 that was one of the things that --

20 A That's right.

21 Q -- concerned you?

22 A That's right. Initially when I got there everybody
23 arrived like five, maybe ten minutes behind me.

24 Q And you testified that there was a Mission police marked
25 unit when you arrived, correct?

1 A No, I didn't say that.

2 Q There was a marked unit when you arrived; is that correct?

3 A I believe there was one of our marked units that arrived.

4 As a matter of fact, come to think of it -- and I mean so much

5 has happened this year-and-a-half -- I even believe that even

6 after the fact, I believe the Mission crime scene investigation

7 people even showed up. I believe they did.

8 Q Isn't it true that the Mission -- some Mission officers

9 are the ones that destroyed the GPS trackers or de-activated

10 them?

11 A No, I did that. I gave it -- I gave the order to cut the

12 wires on the GPS trackers because I was still assuming at that

13 point that this was cartel activity, and I did not want them

14 tracked any further than that for safety purposes. And that's

15 one of the things that I told the FBI immediately after I

16 called them. I said, "Look, I also cut the wires because I

17 didn't want these cartel people to give us -- to follow or to

18 track them any more than where they're already at." But

19 they're intact except for the wires. I had the wires cut

20 because of that.

21 Q Okay. And the effect of cutting the wires meant that you

22 de-activated the trackers, correct?

23 A Well, I was hoping that would do it. I'm not that

24 technical. I'm just assuming if you cut a wire it shuts it

25 off.

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1 Q So you're not familiar with the GPS trackers --

2 A Well, I know what they look like. I just, you know -- I
3 don't know how to operate them. I mean I'm not that technical.

4 Q Okay. Who was operating the Hidalgo County Sheriff's
5 Office unit that was there when --

6 A I have no idea, Ms. Gutierrez. We'd have to go through
7 the report to see who the uniformed people were. I have no
8 idea who they were.

9 Q Well, you said there were very few people --

10 A Yes.

11 Q -- on the scene. You're saying Jonathan was there.

12 A Right.

13 Q You're saying Alexis Espinoza was there.

14 A Initially, right.

15 Q And that's all you testified to --

16 A Right. That's the people that were there that initiated
17 this whole thing. Now, afterwards a whole host of people
18 showed up.

19 Q I understand that. I'm trying to get all the -- the names
20 of the individuals or the persons that were present when you
21 arrived. You testified Jonathan and Alexis were both there.

22 A Right.

23 Q There were no supervisors.

24 A Right.

25 Q Who was operating the Hidalgo County Sheriff's Office --

1 A I don't remember. We'd have to go back through the
2 reports and see if -- and see if, in fact, there was one. And
3 I'm pretty sure that there was; I just don't remember who it
4 was.

5 Q Okay. Was it a female or a male? Do you know that?

6 A I do not.

7 Q So out of three people you only remember two; is that
8 correct?

9 A Yes. The people I spoke to, yeah.

10 Q Isn't it true that you asked Alexis Espinoza, "How much
11 are you getting paid for this"?

12 A No. That's the first time I hear about that.

13 (Pause)

14 Q You testified that when you got on scene and you saw that
15 there was no supervisor that that caused you to suspect that
16 maybe it was a sting operation against the Panama Unit,
17 correct?

18 A Well, it was one of the options that I considered. It was
19 either that or they're violating policy again by not contacting
20 their supervisor. And that's really what upset me the most and
21 really set me off that morning that we had two people out there
22 and one side to the Panama Unit, which ultimately -- you know,
23 which way you look at it, it still falls under the Sheriff's
24 Office and Mission Police Department and had no supervisor
25 there. And one of our policies is if you take any type of

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1 enforcement action, you will have a supervisor unless it's --
2 well a spontaneous type thing.

3 Q So when Jonathan contacted you when you were in your
4 vehicle returning from the -- I don't know if it was a press
5 conference or a conference regarding the orders -- you went
6 directly to the scene, which at that time prior to you arriving
7 to the scene you didn't call a sergeant or a supervisor of the
8 Panama Unit to arrive; it wasn't until after, correct?

9 A No. I testified that I called the office through the
10 radio. Either the radio or my phone, whichever one it is. I
11 said, "What is going on over there and who's there and who's
12 not? And get me a supervisor and get me some people over there
13 now." That was my direct orders to them.

14 Q What is it that caused you to make the decision since
15 you've already made that call for you to go and be present
16 physically at that call?

17 A What caused me to go there?

18 Q Yes.

19 A Well, the urgency of the matter for one thing. And I do
20 this -- I do this all the time when I'm on the street. If
21 there's an urgent call, sometimes I beat the supervisors there
22 and really to observe. And I do that a lot. But I knew that
23 this was a serious situation. I could hear it in the tone of
24 their voice. And I think I would have been derelict in my duty
25 if I didn't go. I was very close by. And I don't care who it

1 would have been. I mean I go to a lot of homicide scenes where
2 I beat the homicide investigators and the supervisors. I do
3 that a lot.

4 Q But what was the urgency in this call? It was simply a
5 cocaine seizure, and that's happened before at the county, with
6 an individual who was hysterical, which I assumed this happened
7 before at the county. You had two individuals that are law
8 enforcement at least who are capable of handling the situation
9 based on their positions. What was the urgency?

10 A Aside from everything that you just mentioned, which I
11 considered that to be urgent, was the presence of the tracking
12 devices. That made it urgent.

13 Q The tracking devices concerned you, correct?

14 A Absolutely, yeah.

15 Q Now, with respect to the raid on the Pharr home --

16 A Yeah.

17 Q -- with the Perezes, you testified that you did -- you
18 were aware of the circumstances of the raid, correct?

19 A After the fact.

20 Q Okay. But shortly after the fact. Because I believe you
21 said if you weren't informed that afternoon, it was the
22 following --

23 A Yes. Yes, it was after the fact. And I believe it could
24 have been that same afternoon. I really don't remember.

25 Q Okay. And so you testified that someone in the group,

1 meaning the Panama Unit, identified Claudio Mata as the one who
2 had taken the jewelry, correct?

3 A That's correct.

4 Q And when you say that "someone in the group," you gathered
5 the Panama Unit together to talk to them about this incident,
6 correct?

7 A No, I did not gather them.

8 Q Okay. How is it that someone in the group is -- how is it
9 that you heard about it being Claudio Mata from someone in the
10 group?

11 A The first person I called obviously was a supervisor, and
12 he didn't know anything of what was going on. And the second
13 person I called was Jonathan. I said, "Jonathan, what is going
14 on here?" And he had no idea of the jewelry. And then I
15 believe he called -- he might have called Eric, he might have
16 called Alexis. I don't know who he called after that. And
17 that's either Jonathan called me or Alexis called me -- I
18 forget who called me -- to tell me that Claudio had the
19 jewelry.

20 Q Wouldn't you agree, Sheriff, that if you're doing a drug
21 investigation that jewelry would be inconsistent with evidence
22 in a drug investigation?

23 A No. No, I'd have to correct you on that.

24 Q Okay.

25 A The Perezes, which are the people -- and I believe that's

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1 their last name -- involving this have been described as street
2 level drug dealers.

3 Q Have been or haven't been?

4 A They were described as street level drug dealers. And --

5 Q Sheriff -- go ahead, I'm sorry.

6 A Okay. And it is very common for street level drug dealers
7 to exchange property, whether it be jewelry, stolen jewelry,
8 guns, whatever, for street level narcotics. And it would not
9 be out of the ordinary for a unit to seize amounts of jewelry
10 thinking that it could have been -- it could be stolen jewelry
11 that was exchanged for narcotics. So it's not out of the realm
12 of possibilities. It has happened numerous times before.

13 Q But you also testified that you questioned Claudio Mata
14 about the jewelry and about what it was that he was doing.

15 A Right.

16 Q But you did question him about the fact -- about whether
17 that jewelry was, in fact, exchanged for narcotics, right?

18 A Well, no, no, that's not right. I didn't ask him that
19 because he wouldn't have known that unless he had conducted an
20 investigation.

21 But I'd like to correct earlier testimony if I may.

22 **MS. GUTIERREZ:** Your Honor, I'd like for him to
23 answer my question.

24 **THE COURT:** All right. If you could just answer the
25 question. If you want to change an answer in response to

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1 something she asked you again, you can.

2 **THE WITNESS:** Okay.

3 **BY MS. GUTIERREZ:**

4 Q You testified that Claudio Mata just shrugged and that's
5 when you stopped interrogating him, correct?

6 A Well, and to be honest with you, the shrug was more of an
7 affirmative shrug and a yes than a negative, and I stopped it
8 immediately thereafter at that point. I testified earlier --

9 **MS. GUTIERREZ:** Your Honor, I believe -- I'm not sure
10 if this would be responsive to my question.

11 **THE COURT:** All right. You answered the question?

12 **THE WITNESS:** Yes. I answered the question, yeah.

13 **THE COURT:** So next question?

14 **THE WITNESS:** Okay.

15 **BY MS. GUTIERREZ:**

16 Q But ultimately he confessed and you could have arrested
17 him, yes?

18 A You know, I had a problem with that and --

19 **THE COURT:** Well, that was two questions.

20 **MS. GUTIERREZ:** Okay.

21 **THE COURT:** Did he ultimately confess and then could
22 you have arrested him? So ask one question at a time.

23 **MS. GUTIERREZ:** Okay.

24 //

25 //

1 **BY MS. GUTIERREZ:**

2 Q Claudio Mata confessed, correct?

3 A It could have been taken as a confession, yes, ma'am. It
4 could have been. Okay.

5 Q And because of that you could have arrested him, correct?

6 A I could have, yes.

7 Q But instead you chose to back off --

8 A Yes.

9 Q -- and hand over the investigation to Internal Affairs,
10 correct?

11 A That's where I made the mistake in my testimony this
12 morning. If I may correct it now. And I was -- during the
13 lunch break I get a call from my investigator, Internal Affairs
14 investigators, who are following this through the media tweets,
15 and said, "You made a mistake in your testimony. It was not
16 Internal Affairs that investigated Claudio Mata. It was a
17 command staff member." At that time I was allowing command
18 staff members to conduct internal investigations. And they
19 reminded me that it was Captain Gabriel Castaneda, who is now a
20 commander.

21 And they also corrected me --

22 **THE COURT:** Well, let's just --

23 **THE WITNESS:** Oh.

24 **MS. GUTIERREZ:** Yeah.

25 **THE COURT:** Only if it's responsive to the question.

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1 **THE WITNESS:** All right.

2 **THE COURT:** So it wasn't an Internal Affairs
3 investigation; it was a commander that did the investigation of
4 Mata. Okay, next question?

5 **BY MS. GUTIERREZ:**

6 Q And at that time you did have an Internal Affairs
7 department, correct?

8 A That's right.

9 Q Okay. And so what would be the reason for it not being
10 sent to Internal Affairs versus having just a commander
11 investigate?

12 A At that time I was trying to divide the work load between
13 Internal Affairs -- because I only had a couple of people in
14 there and the command staff members. And that was probably one
15 of the reasons why I did that.

16 **THE COURT:** And remind me. This commander, what was
17 his name? I'm sorry.

18 **THE WITNESS:** Gabriel Castaneda.

19 **THE COURT:** Castaneda. Was he the one that did the
20 skeet shoot you testified earlier or --

21 **THE WITNESS:** No.

22 **THE COURT:** No.

23 **THE WITNESS:** No.

24 **THE COURT:** Okay.

25 **THE WITNESS:** No. That was Montemayor.

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1 **THE COURT:** All right.2 **BY MS. GUTIERREZ:**

3 Q And you testified that, yes, you could have arrested --

4 A Right.

5 Q --- Claudio Mata but you chose not to, correct?

6 A That's right. I chose not to because I really wasn't sure
7 at that point because of my position that I really could have
8 done that. I wanted to stop -- you know, I didn't want to put
9 myself in the investigation.10 And I'll tell you, I made a very big mistake. I
11 should have never called Claudio in and questioned him. I
12 should have sent him straight to a command staff member or to
13 Internal Affairs. That was a management mistake that I made
14 and I shouldn't have done -- knowing that now, I shouldn't have
15 done that. I should have sent him straight to a Internal
16 Affairs or a command staff member. But I was really upset by
17 the ways things were evolving, and that's why I did it that
18 way.19 Q So it's possible that your emotions clouded your judgment,
20 correct?21 A Well, in that particular decision I would have to agree
22 with you, yes.23 Q Sheriff Trevino, isn't it true that in a lot of your
24 testimony it has appeared as though there's been a lot of
25 mistakes made by you?

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1 A There were some mistakes, of course. You know, I've made
2 some mistakes. There's no doubt about that.

3 Q And you also chose not to conduct your own investigation
4 with respect to the raid of the Pharr home, correct?

5 A That's right. I left that up to the Pharr Police
6 Department.

7 Q And this was already -- this was in mid 2012, correct?

8 A It was -- I'm sorry, say that again?

9 Q Mid 2012 when this occurred?

10 A I don't remember the date of that. I really do not
11 remember the date.

12 Q Would you disagree that it was in July of 2012?

13 A It could have been. I don't remember the date.

14 Q And by this time the Panama Unit had gone -- had been
15 rogue for at least a year, correct?

16 A How could I have known that if I had no idea that they
17 were involved in criminal activity?

18 Q I'm asking you with what you know today.

19 A Even now. I have not read the Indictments. I have not
20 read the charges. I have stayed completely away from it. And
21 I don't know when they were in rogue and I don't know any of
22 the specifics of what they were doing. I've completely stayed
23 away from it.

24 Q You haven't -- even after your son pled guilty you haven't
25 inquired from him, "Son, let's talk about this. Why did you do

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1 that. What were your choices? How did we get here"?

2 A Ms. Gutierrez --

3 **THE COURT:** That's not really relevant.

4 **BY MS. GUTIERREZ:**

5 Q You testified about the Panama Unit having gone rogue, and
 6 it came from you, your testimony prior to the lunch break. And
 7 based on what we know now, there are some similarities with
 8 respect to the Panama Unit going rogue and the Zetas from
 9 across the border; isn't that correct?

10 A I don't think so. I don't think we've beheaded anybody.

11 Q Well, minus the murders and the killings.

12 A I don't -- I think you're completely off base and out
 13 of --

14 **THE COURT:** Right. It's argumentative. You can make
 15 that argument to the jury, but it's not a question.

16 **BY MS. GUTIERREZ:**

17 Q Remaining on the Pharr home raid, you testified that
 18 somebody from internal investigations did interview all Panama
 19 members with regard to that incident, correct?

20 A I'm sorry. Ask me again. I don't understand.

21 Q You testified earlier that Internal Affairs with the
 22 Sheriff's Office did, in fact, interview all Panama Unit
 23 members with respect to the Mata incident in Pharr, the Mata
 24 incident and the -- do you agree with me that the --

25 A No, I do not agree with you. Because Pharr PD took care

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1 of all that. The only thing that we investigated was the
2 jewelry part. Everything else was investigated by Pharr PD and
3 federal agencies. We had nothing to do with that
4 investigation.

5 Q Didn't Internal Affairs interview the Panama Unit members
6 with respect to the missing jewelry?

7 A See, that's the correction I just made earlier,
8 Ms. Gutierrez. I was -- I gave wrong testimony and I corrected
9 it already.

10 Q Okay.

11 A It was not Internal Affairs that conducted that
12 investigation. I was corrected during the noon hour by my
13 Internal Affairs division that it was Commander Gabriel
14 Castaneda that conducted that investigation.

15 Q But Commander Castaneda did interview all Panama Unit
16 members regarding the missing jewelry.

17 A I would have to look at the file and tell you exactly who
18 he interviewed. I don't know the method that he undertook to
19 investigate that.

20 Q And you instructed Commander Castaneda to limit his
21 inquiry to only the jewelry?

22 A Yes, exactly, yeah.

23 Q With respect to Miguel Flores, you testified about having
24 known and been informed about what went on in that incident.
25 Didn't it seem odd to you that Flores approached two of your

1 deputies and asked them to steal drugs?

2 A Absolutely. And that's what caused the suspicion about
3 Miguel Flores, and that's why we opened the investigation. It
4 just didn't make any sense to me that one deputy would just
5 approach two others and say, "Let's do something." It just
6 didn't make any sense to me since he was the one that initiated
7 the action and he was the one that was reported on, and
8 obviously he was going to be the suspect.

9 Q But wasn't it suspicious to you about -- it didn't raise
10 suspicious of the two individuals that Flores asked to steal
11 drugs?

12 A Well, yes, it did. Of course it did. But then, again,
13 there was -- there had to have been a prior relationship I
14 would imagine unless just Flores decided to pick on two guys
15 and ask. I don't know. I have no idea why Flores did that.

16 Q But you did investigate in order to determine that,
17 correct?

18 A Well, of course. It was part of the internal
19 investigation. And we couldn't find -- we couldn't find any
20 links between Flores and Arguello and Duran from the past. We
21 couldn't find any links whatsoever that were criminal between
22 Flores and these two other associates. And we just couldn't
23 find any criminal activity on Flores' part, period. We just
24 couldn't find it.

25 Q Well, what about criminal activity on the part of Arguello

1 and Duran?

2 A That's right. And that was part of the investigation.

3 And Internal Affairs couldn't find any link whatsoever.

4 Q Okay. We're talking about any criminal activity of
5 Arguello and Duran independent of Flores.

6 A Well, I don't know that they were -- they were conducting
7 a widespread probe, if that's what you're insinuating. That
8 was not done. They didn't do that. The focus -- the focus was
9 really Flores. He was the focus of the investigation.

10 Q And what I'm asking is wouldn't it be reasonable for you
11 to conduct an independent investigation of those two cops that
12 were approached to steal?

13 A I don't know that it would be. I left that up to the
14 investigators to take a look at, and they just couldn't find
15 any links in that. I think I already testified to that.

16 Q Sheriff, isn't it true that when you warned Fabian
17 Rodriguez to stop hanging out with the individuals on 2812 that
18 you also told Fabian Rodriguez to keep Jonathan away from them?

19 A No, that's not true.

20 Q That's not true?

21 A No, that's not true. Because there was -- the information
22 that concerned me was that one of my deputies was consorting
23 with criminal elements. That was concerning to me. But I had
24 nobody to tell me who they were, what they were doing. So I
25 couldn't have just yanked Fabian Rodriguez in and to start an

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1 investigation, because I didn't have the elements for the
2 accusations. So the next best thing is to alert him and say,
3 "Look, if you are doing this, you will stop. Because if you
4 don't stop, then I'm going to either arrest you or I'm going to
5 fire you."

6 Q Wouldn't you ask Fabian Rodriguez, "Are you doing this"?

7 A I did. You're absolutely right. That's exactly the
8 question that I asked him. And he said -- and I'll never
9 forget his response because of the way he finished the
10 conversation. He said, "I am not hanging around with any
11 crooks. Those are just political innuendos and political
12 rumors that are just started against me in the Elsa area."
13 Because Fabian is very active in politics or was very active in
14 politics in Elsa.

15 And he finished the conversation by saying, "Sheriff,
16 I promise you; I promise you I have not done anything wrong. I
17 would never do that to you and I would never do that to the
18 department." And those were his exact words.

19 Q So if Fabian Rodriguez testified that you told him to keep
20 Jonathan away from the Guerras he would be lying?

21 A If actually Fabian said that, then he is actually lying;
22 you're correct. Because he never -- that conversation never --
23 I don't think Jonathan was ever brought up in that
24 conversation. That is not true.

25 Q You talked about your political operative who informed

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1 you --

2 A Right.

3 Q -- about some drug dealers --

4 A Yeah.

5 Q -- in the 2812 area. Astro Trucking isn't the only
6 business on 2812, correct?

7 A That's correct.

8 Q So why is it that you assumed it was them?

9 A Well, I think I explained that earlier. I might have made
10 that assumption after the fact. Again, so much has happened
11 since that maybe I did think it was Astro Trucking after the
12 fact. To be honest with you, I really believe this person that
13 called me actually said he's hanging around with some bad guys
14 that work or live somewhere on 2812. I made the connection
15 after the fact, after Astro Trucking came out as being owned by
16 the Guerras. I'm assuming that's what happened. But I don't
17 believe he said Astro Trucking and I know he didn't say the
18 Guerras, because I didn't know that last name.19 Q Okay. But did you assume that it was the Guerras or Astro
20 Trucking when they told you 2812 because --21 A No, no, no. That's what I just explained to you. It was
22 way after the fact like, I don't know, a month, maybe three
23 months ago that I made that connection. See, I didn't even
24 know that the Guerras existed, okay. I knew Astro Trucking
25 existed because they send us a check. But I had no idea who

1 the owners were. I had no idea whatsoever. So I think after
2 the fact, way after the fact I made that connection; and that's
3 why I testified that way.

4 Q Isn't it true that you referred to the Guerras as 2812?

5 A When?

6 Q That was your name for them.

7 A No. To whom? I don't understand what you are asking me.

8 Q If Fabian Rodriguez testified that you called the Guerras
9 2812, would that be incorrect?

10 A Yes, it would be incorrect. Because I didn't know who the
11 Guerras were.

12 Q Isn't it true that if come mid 2012 when you were informed
13 about the Pharr incident, the Pharr home raid, if you had taken
14 action with respect to the Panama Unit, investigated them, that
15 you may have prevented all the following drug -- illegal drug
16 activity conducted by them?

17 A A lot of things are possible, Ms. Gutierrez. I mean an
18 open -- to answer a question like that, I mean anything is
19 possible. You have no idea how much I wish I had a time
20 machine.

21 (Pause)

22 Q So you're telling the jury that Jonathan, your son, who
23 lived with you, hid all the monies that he made from drug
24 trafficking from you.

25 A Absolutely.

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1 Q And that you saw no signs that were questionable with
2 respect to how much money he was making, that he hid all that
3 from you?

4 A Absolutely. Jonathan had no -- Jonathan had no living
5 expenses. I think his cell phone was the only -- and his
6 credit card was the only expense he had. Everything else he
7 had at home.

8 Q But isn't it true that he would travel to casinos to
9 gamble frequently?

10 A He would, that's right.

11 Q And you didn't think that that was odd and it takes money
12 to do that?

13 A Again, he had a very good paycheck. He made a lot of
14 overtime with the Mission Police Department and all that money
15 was his. I mean we didn't charge him rent; again, no food, no
16 laundry, no light. Everything was -- I mean he lives free.

17 Q And how much was his paycheck his --

18 A I have no idea how much he would get paid.

19 Q Well, then you don't really know how much money he was
20 making, correct?

21 A I never said I knew.

22 Q Well, you said he was making good money.

23 A I'm assuming he was because he worked a lot of overtime.

24 Q So then this is all based on the assumption you assume he
25 was making good money and that would have paid for the casino

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1 trips.

2 **MR. STURGIS:** Judge, asked and answered.3 **THE COURT:** Sustained. Let's move on.4 **BY MS. GUTIERREZ:**5 Q Sheriff, you're telling the jury that the Panama Unit --
6 the illegal activity conducted by the Panama Unit was all done
7 without your knowledge, correct?

8 A Absolutely, Ms. Gutierrez.

9 Q And you're also telling the jury that any illegal activity
10 conducted by Gerardo Duran was also done without your
11 knowledge, correct?

12 A Absolutely.

13 Q You're telling the jury that if Miguel Flores is guilty of
14 any wrongdoing, that was without your knowledge, correct?

15 A That's correct.

16 Q And you're telling the jury that if Joe Padilla conducted
17 any illegal activity, that was done without your knowledge,
18 correct?

19 A That's correct.

20 Q And you're telling the jury that any illegal activity that
21 J.P. Flores did was done without your knowledge, correct?

22 A That's absolutely correct.

23 **MS. GUTIERREZ:** No further questions, your Honor.24 **THE COURT:** All right. Any final recross?25 **MR. STURGIS:** Short, your Honor.

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RECROSS EXAMINATION

2 BY MR. STURGIS:

3 Q Sheriff Trevino, you said you cut the wires on the
4 trackers?

5 A I cut the first one, Mr. Sturgis. I cut the first wire
6 and then I instructed the sergeant to cut the rest of the them
7 because I didn't want -- if it was the Sinaloa Cartel, I didn't
8 want them tracking them as to where we were going. I think I
9 cut the first one.

10 Q Okay. And then you said you told the FBI that you cut the
11 wires?

12 A I believe that's what I told them, yes.

13 Q Do you know who you told that to?

14 A If I told that to anybody, it would have been Special
15 Agent Chris Lee.

16 | 0 But you're not sure if you --

17 A I am not sure, no. I'm not sure if I actually cut them or
18 told them to cut them. But I know that I was very concerned
19 about being tracked if, in fact, that was what was happening.

20 Q Okay. So obviously it was after you got there that the
21 wires were cut. They were not cut before you --

22 A Oh, no, no. I gave that order.

23 Q At any time while you were there did you talk to your son
24 Jonathan or any of the other agents about charging the female?

25 A About charging her?

1 Q Yes, with --

2 A Yes.

3 Q And what crime would that have been that you all
4 discussed?

5 A The possession of the cocaine.

6 Q Okay.

7 A Absolutely, yes.

8 Q That would have been the only charge.

9 A That would have been the first charge that we could have
10 come up with. I guess possession with intent to distribute and
11 maybe passed it on to the federal agencies for their follow-up.

12 Q I mean it would have only been drug related charges. At
13 that time you weren't aware of any other type of charges.

14 A I had no idea what else was going on. That's right.

15 Q All right. So you never had a conversation with them
16 about a bribery charge or anything did you?

17 A Oh, no, no. Absolutely not.

18 Q And when you were considering these charges, did you ever
19 consider keeping the case -- I guess a state case or more
20 appropriately a sheriff's office case as opposed to going to
21 the --

22 A No, it was -- I think just by the amount and the
23 circumstances that it was going to be a federal case from the
24 get-go.

25 Q From the get-go?

1 A Oh, yeah.

2 Q Now, you were discussing with Ms. Gutierrez again the July
3 incident at Pharr with the jewelry, and essentially you stated
4 several times that you or the Sheriff's Department looked at
5 the jewelry case but never the drug case. Is that accurate?

6 A The drug case, the possession? Right, you're right.

7 Q Right. There was some -- you quickly became aware that
8 the Perezes were involved and then there was somebody over at
9 Mission, correct?

10 A Right.

11 Q I mean that's going to --

12 A Yeah.

13 Q -- part on the initial investigation.

14 A That's right.

15 Q When that happened you obviously know that there's some
16 charges of drugs related. What the exact facts are you may not
17 know.

18 A I do not know the exact amount from when it was seized,
19 no.

20 Q Did anybody look into the drug case?

21 A Mission PD did. Mission PD followed up on that because it
22 was -- like I said, they worked under the Mission protocols and
23 I believe everything was submitted into the Mission crime scene
24 lab and they ran with the charges on that, or they have. It
25 was not our case to prosecute.

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1 Q Afterwards the jewelry comes up, it's obviously missing,
2 and it seems like we can all agree that at least in some form
3 or fashion Claudio Mata admitted to you --

4 A Yeah.

5 Q -- he stole the jewelry.

6 A Pretty much.

7 Q Yeah. I mean it's -- whether it's a shrug or he said, "I
8 stole the jewelry" --

9 A Yes.

10 Q -- or whatever that seems to be uncontroverted. And I
11 think you testified, but I want to make sure, that you don't
12 remember who it was that initially told you, "Hey, call in
13 Claudio; he's the one that stole the jewelry."

14 A Right. If I had to guess, Mr. Sturgis, the only person
15 who probably could have told me something like that would have
16 been Jonathan after he spoke to the other members of the unit.
17 And I think somebody finally ratted Claudio off to Jonathan and
18 Jonathan tells me. If it happened, that's the way it happened.

19 Q And then you said that Mr. Castaneda did the
20 investigation --

21 A That's correct.

22 Q -- afterwards. And you said several times that it was a
23 mistake for you to speak to Mr. Mata.

24 A To Mr. who?

25 Q To Mr. Mata.

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1 A Yes, to Mr. Mata. It was. That was a mistake on my part.
2 I should have never done that.

3 Q Why is it a mistake? He's your employee. You're in
4 charge.

5 A It was a mistake because I should have let -- I was really
6 upset because of the way things were developing. And it was a
7 mistake on my part because I should have let the investigation
8 take its course and I didn't.

9 Q But it seems to me like it worked out the best way, the
10 quickest way it could, because Mr. Mata confessed to you --

11 A Right.

12 Q -- yeah, I stole the jewelry. So there didn't need to be
13 a big investigation to see if he did. He's telling you, "I did
14 it."

15 A Yeah. Well, I know; I realize that. And that's a mistake
16 and I admit that's a mistake that I made. And I shouldn't have
17 done that. That's when I turned and I said, "Stop." You know,
18 I hadn't given him his rights; I hadn't done anything. I said,
19 "Stop right there. We're going to conduct this -- we're going
20 to conduct an investigation."

21 Q Well, what is the mistake? I don't understand the mistake
22 in that it's someone who had done wrong, obviously he shouldn't
23 be a police officer any more.

24 A Right.

25 Q You've solved it right away rather than going for a long

1 investigation.

2 A Yeah.

3 Q I don't see what the mistake is. It seems like it was
4 a -- it was done and all the knowledge that needed to be out
5 was there.

6 A Right.

7 Q So I'm curious what the mistake is.

8 A Well, I think the mistake was that there's a lot more than
9 just what was uttered by him, you know. I think there was. I
10 want to know if other people were involved. So I just said,
11 "Stop, we're going to conduct a full investigation into this."

12 Q And do you know whether or not Mr. Castaneda interviewed
13 him and said, "Okay, you've already told them you did it.
14 Let's sit down and get all the facts"? Do you know if that
15 happened?

16 A Yeah, I'm sure he did. And he conducted an investigation.

17 Q Right. But what I'm asking, do you know whether or not
18 Mr. Castaneda actually interviewed --

19 A Yeah.

20 Q -- Mr. Mata?

21 A Yes, he did interview him. But we would have to go to the
22 report to see exactly what was asked of him.

23 Q Did Mr. Castaneda interview any of the other people that
24 were on the scene at Pharr that day?

25 A I don't know, Mr. Sturgis. We would have to look at the

1 file.

2 Q Okay. And just briefly along kind of the same lines, you
3 were asked about Mr. Miguel Flores, Mr. Arguello and Mr. Duran
4 on the thing that Mr. Flores was trying to set up. And I think
5 I understood that the assumption would be that Mr. Flores
6 obviously had some kind of connection with Mr. Duran to in
7 order to even approach the subject with Mr. Duran in the first
8 place.

9 A You would seem to think so, yes.

10 Q You would believe --

11 A Yes.

12 Q -- that he's not just going to pick anybody out.

13 A Right.

14 Q So obviously Mr. Flores, you know, probably for some -- or
15 in some form or effect trusted Mr. Duran to even approach the
16 subject about ripping off money or drugs.

17 A That's right.

18 Q And then do you know who it was that Mr. Duran would call
19 about that?

20 A No, I do not.

21 Q You don't know who he called.

22 A No.

23 Q Do you know how it is that -- do you know how it is that
24 Mr. Arguello became involved in that at all?

25 A I don't remember. We'd have to look at the affidavits.

1 But I believe if I'm not mistaken -- and again, I'd have to
2 look at the affidavits and the file, but I believe he -- either
3 he called Jonathan or he called -- or Duran called Arguello.
4 I'm not sure how Arguello got involved in it.

5 Q And obviously if Mr. Duran was considering joining this
6 venture, whoever he contacted he would have to trust a -- I'm
7 going to approach the subject with it because I don't want to
8 tell the wrong person I'm thinking about being a dirty cop and
9 ripping off some money or drugs. He's obviously going to have
10 to have the same trust.

11 A See, I don't think that's the way it started. What I was
12 told was when Duran calls Jonathan about Miguel Flores
13 approaching him that I guess in their mind, or at least they're
14 trying to make me believe that in their mind they're acting as
15 righteous policemen and not corrupt policemen.

16 Q That being? "They" who?

17 A Well, they being Duran and Arguello. That's the way
18 they're telling me. Well, we're good guys and now we have a
19 bad guy telling me let's go do this. Whether it's true or not,
20 you know, obviously it wasn't. But I didn't know it at the
21 time.

22 Q But if Mr. Duran contacted Jonathan --

23 A Right.

24 Q -- and said, "Hey, Mr. Flores -- Miguel Flores -- Miguel
25 wants to do this; what do you think" and Jonathan said, "I

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1 don't know" and sent Mr. Arguello over to see what was going
2 on; obviously, Mr. Duran would have had to have had some trust
3 in your son to approach the subject.

4 A I would imagine so, yes.

5 **MR. STURGIS:** I pass the witness.

6 **THE COURT:** All right. That concludes your
7 testimony, Sheriff Trevino. You're excused at this time.

8 **THE WITNESS:** Am I excused?

9 **THE COURT:** You're excused.

10 **(Testimony and transcription was concluded at 2:42 p.m.;**
11 **proceeding continued)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



October 9, 2013

signed

Dated

TONI HUDSON, TRANSCRIBER